

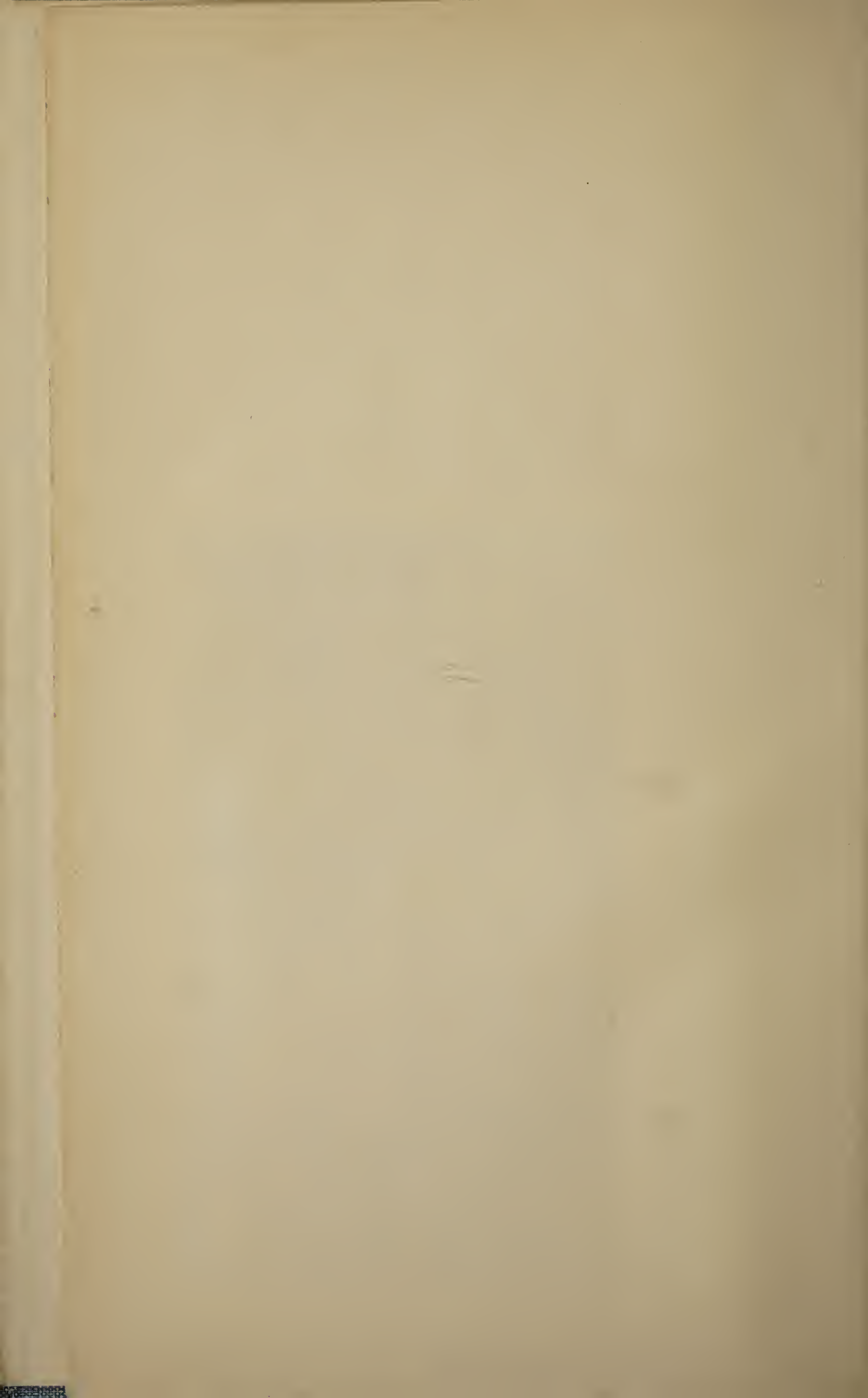






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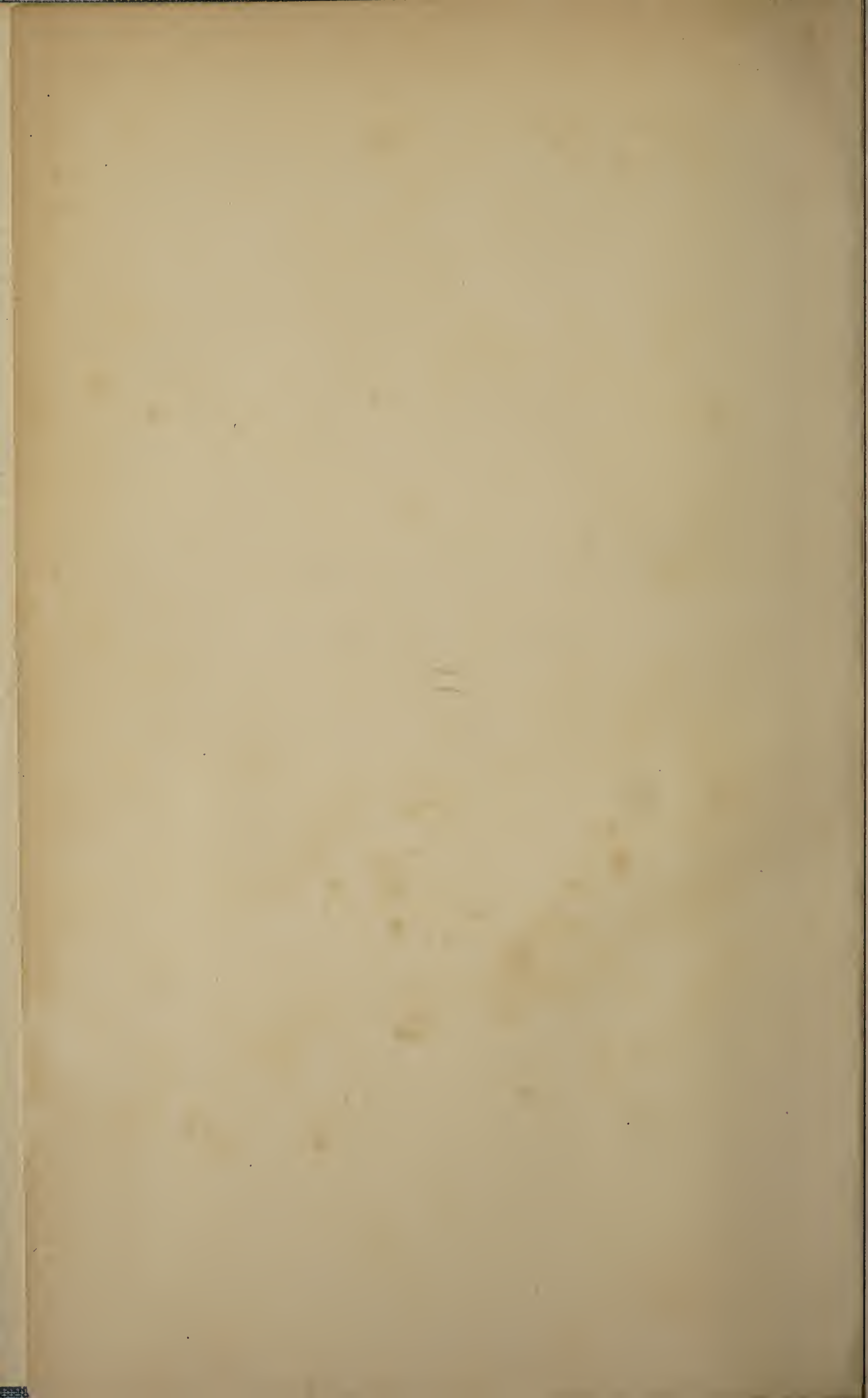




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THE LIFE AND WORK  
OF  
SIR JOHN FIELDING











*Engraved for The Malefactor's Register.*



*W. Dodd delin.*

*J. Taylor sculp.*

*View of the PUBLIC OFFICE Bow Street, with Sir John Fielding presiding, & a prisoner under examination.*

(From "The Malefactor's Register" [dedicated to Sir John Fielding], 1779.)

[Frontispiece.]



THE LIFE AND WORK  
OF  
SIR JOHN FIELDING

*by*  
R. Leslie-Melville

WITH A FOREWORD BY  
SIR ROLLO F. GRAHAM-CAMPBELL

Chief Magistrate of the  
Police Courts of the Metropolis

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## FOREWORD

I HAVE been asked, as Chief Magistrate of the Police Courts of the Metropolis, to write a short "Foreword" to Mr. Leslie-Melville's book about Sir John Fielding.

Mr. Leslie-Melville has evidently made a most extensive study of his subject, and in the following pages gives a very vivid and interesting description of the life and times of my distinguished predecessor.

The duties of a Justice of the Peace for Middlesex or the City of Westminster in the days of the two Fieldings differed in many respects from those which at the present day fall to the lot of the Metropolitan Magistrates, but it is interesting to note that history repeats itself and that many of the problems with which Sir John had to deal are very similar to those with which the Commissioner of Police on the one hand, and the Magistrates on the other hand, are confronted at the present day.

Special interest attaches to the efforts made by Sir John, through the means of the Marine Society, The Royal Female Orphanage, and the Magdalen Hospital to prevent children and young people from becoming criminals, and his observation in dealing leniently with two small boys charged with stealing, that sending such boys into prison is much more likely to corrupt than to reform their morals, is the very keynote of all our modern legislation with regard to children and young persons.

There can be little doubt that Sir John's outlook on life was far ahead of that of most of his contemporaries, and that many of the reforms in the administration of criminal justice which have been effected in later days were greatly forwarded by the influence which he exercised during the time when he sat as Chief Magistrate at Bow Street.



His strength of character is shown by the fact that he carried out his difficult work so effectively in spite of the great physical disability of blindness.

Not only was Sir John a great Magistrate—he was a good-hearted man, and the assistance which he gave to his brother's widow and children shows him in a very favourable light.

R. F. GRAHAM-CAMPBELL.

BOW STREET POLICE COURT,  
*September 21, 1934.*

## PREFACE

It is only within recent years that Henry Fielding has been recognised as a great man as well as a great novelist, so successfully did his early biographers manage to obscure the truth. His half-brother, Sir John Fielding, has been even worse treated, for the only modern account of his life is an article by Sir Leslie Stephen in the *Dictionary of National Biography* which leaves much to be desired on the score of accuracy and adequacy. It is, in fact, one of the very rare blots on this fine work.

Sir John Fielding claims our attention not merely because he was one of the best-known and most picturesque Londoners of the latter half of the eighteenth century ; the “ Blind Beak ” whose court in Bow Street was thronged with visitors of every class, literally from dukes to dustmen, sharing the curious spectacle, which would be no less curious to-day, of a blind man unravelling the darkest secrets. His right to our recognition strikes far deeper than this, for no one has played a greater part than he in moulding London to the form we now know.

This may be considered a bold claim for a writer to make on behalf of a man who has been dismissed as corrupt and not particularly useful by no less an authority than the late Sir Leslie Stephen. Since he was writing, however, much important work has been done on the eighteenth century, notably by Mrs. George, and there is abundant evidence to prove that the latter half of the period saw the beginning of a gradual but marked improvement in English social life, and not a deterioration as some would have us believe. The cause of this change for the better was undoubtedly first and foremost the invention of police, using that term in its widest sense. I say “ invention ” expressly,



for the idea of taking firm steps to reduce the administration of London from chaos to order was something entirely new. The men in whose minds these ideas were born, and who gave effect to them, were Henry Fielding and Sir John Fielding. Fate decreed that Henry should be cut off in his prime, and John left to carry on the great work which his brother began, and to originate much which, perhaps, the brilliant but less methodical Henry would not have conceived.

What the brothers did was, first, to give the Londoner, for the first time in the history of the capital, justice. When they came to Bow Street in 1748 there was nothing in the shape of the present-day police-court to deal with the daily crop of felonies, misdemeanours and petty private squabbles which are inevitable in a large community. The public was at the mercy of the "trading justice" who, conducting business from his own house, or even from a tavern, was, to use Henry Fielding's own words: "never indifferent in a cause but when he got nothing on either side." The brothers altered all this, and to Sir John's practical example and constantly reiterated pleas to the Government, we owe the stipendiary magistracy which is now so much a part of London life that we never question its origin, or try and imagine how we would get on without it. Yet so novel was the idea of paid magistrates sitting at regular courts, that it was not until 1792, twelve years after his death, that Sir John's work bore fruit.

Secondly, Sir John Fielding made the Englishman accept the idea of a paid police force, a foreign but necessary thing which will never, perhaps, be regarded wholly without suspicion in this country. So far from taking away the Londoner's liberty, however, Sir John's tiny force of six paid detectives restored it; for they rescued the town from the gangster's rule. The Bow Street police, known after Sir John's day as the "Bow Street Runners," were a success because they were backed up by the first effective organisation against crime to be put into operation in this country. From this organisation has descended in direct line the Criminal



Record Office, the mainspring of Scotland Yard. Sir John Fielding, in short, laid down the basic principles of crime detection, which may be summed up in his own five words : " Quick notice and sudden pursuit."

Again, to indicate but one other feature of his amazingly active life, he was the pioneer of a great work which is, rightly, receiving more attention to-day than ever before : saving children from becoming criminals. " It is certain," he said on one occasion, when dealing leniently with two small boys charged with stealing, " that sending such boys into prison is much more likely to corrupt than reform their morals." Although there is a world of difference between the prisons of his day and ours, time has not altered, and never will alter, the underlying truth of his statement. Always insisting by word and deed that prevention and not punishment was the first principle of police, he organised two charities to absorb the deserted boys and girls of London who, failing such help, were destined to grow into thieves and prostitutes. There is, perhaps, no more striking testimony to the extraordinary foresight which Sir John displayed throughout his career than the fact that these two charities, and a third with which he was closely connected, are still doing work of first-class importance to the community at large, and not merely to London. I mean the Marine Society, the Royal Female Orphanage, and the Magdalen Hospital.

Having tried to show very briefly why Sir John Fielding claims our recognition as a great Englishman, I must say something about how I have gone to work. Such mention as has been made of him outside the D.N.B. is to be found mainly in biographies of Henry Fielding and in books about London, and I must acknowledge the help I have received from the following secondary authorities :

- Armitage, Gilbert. *The History of the Bow Street Runners*,  
1932.  
Cross, Wilbur L. *The History of Henry Fielding*, 1918.  
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—— “The Early History of Registry Offices” in the *Economic Journal* (Supplement), January, 1929.

Godden, G. M. *Henry Fielding*, 1910.

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Lee, W. L. M. *A History of Police in England*, 1901.

Moylan, Sir John F. *Scotland Yard*, 1929.

—— “Police Reform Before Peel,” in the *Police Journal*, January, 1929.

Turberville, A. S. (editor). *Johnson's England*, 1933.

Webb, Sidney and Beatrice. *English Local Government*, 1906, etc.

Wheatley, H. B. and Cunningham, P. *London Past and Present*, 1891.

The two main sources of information about Sir John Fielding are the *Public Advertiser*, which is so rich that I can give but a fraction of the many thousands of notices and reports connected with him which appeared in its advertisement and news columns during the thirty years, 1750–80, with which this book mainly deals, and the State Papers (Domestic) in the Public Record Office, London. Those for 1760–75 are digested in the *Calendar of Home Office Papers* (published 1878–99), but have lately been rearranged so that the printed references no longer apply. Here I have given references direct to the papers themselves, which can, however, easily be found in the printed work simply from their date.

As in the case of Henry Fielding, few details of Sir John Fielding's private life have survived. Both men were, indeed, so extraordinarily active that their contemporaries can seldom have caught them napping, but there is an additional reason for this annoying blank, the destruction of both Henry's and Sir John's private papers when the mob attacked the Public Office in Bow Street during the terrible Gordon Riots of 1780.

In my opinion a strictly chronological arrangement of Sir John Fielding's life is out of the question because it would involve endless repetition. Here I have tried to take the salient points of his career as far as possible in their proper order, but to avoid perpetually harking back I have usually pursued each point as it arises to its conclusion. For instance, I have concentrated the history of Sir John Fielding's charitable work into one chapter, although he devoted the whole of his active life to this cause. I claim for this arrangement that it shows more clearly than would otherwise be the case Sir John Fielding's work, the adequate treatment of which is, to my mind, more important than the presentation of his life as he actually lived it.

I am greatly indebted to Mr. J. Paul de Castro, author of *The Gordon Riots* (1926) and other works, whose researches into the life of Henry Fielding have led to so many valuable discoveries, for a large number of useful references and much helpful advice. It is also through his courtesy that I am able to reproduce the miniature of John Fielding (as he then was) and his family, by Nathaniel Hone, and the sketch of Ann Whittingham by Allen Fielding, her husband. The sketch of Sir John Fielding's house in Brompton, by T. Hosmer Shepherd, is reproduced by kind permission of the owners, the Kensington Public Library. I must also acknowledge the unfailing courtesy of the officials of the British Museum (which has supplied most of the remaining illustrations), the Public Record Office, the Middlesex Guildhall, and the London Library.

R. LESLIE-MELVILLE.

*August, 1934.*





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# SIR JOHN FIELDING

## CHAPTER I

### EARLY YEARS

JOHN FIELDING was born in Blenheim Street, Westminster (now Ramillies Street, Great Marlborough Street) in the winter of 1721. He was the third son of the Hon. Edmund Fielding (1680–1741) by his second wife. Edmund Fielding, a nephew of the third Earl of Denbigh's, upheld the traditions of his family and served with distinction under Marlborough, eventually reaching the rank of Lieutenant-General. In 1706 he married Sarah, daughter of Sir Henry Gould of Sharpham Park, Glastonbury, and by her had seven children, of whom only the eldest, the immortal Henry Fielding, concerns us at present. He was born at Sharpham on April 22, 1707.

In April, 1718, Sarah Fielding died at East Stour (or Stower) in Dorset, where the family had settled on an estate bought partly by Sir Henry Gould for his daughter and her children and partly by Edmund Fielding himself. Soon after her death Edmund went to London, and returned in May, 1719, with a second wife, the English widow of an Italian named Rapha. Her own name was Anne (or Eleanor) Blanchfield; she was a Roman Catholic, had two daughters in a convent abroad, and was suspected by Lady Gould and others who objected to the marriage to have kept a common eating-house in London. This her new husband indignantly denied, and, while admitting that she was a Roman Catholic, maintained that he himself was as staunch a Protestant as ever, and intended to bring up his children in the same religion.



This much we know from a Bill of Complaint filed in the Court of Chancery by Lady Gould on February 10, 1721. She held a very poor opinion of her son-in-law, and decided views on the way in which her dead daughter's children should be raised. Fearing, not without reason, that Edmund Fielding's second marriage would endanger their estate if not their immortal souls as well (their stepmother being a Papist) she set the lawyers to work.

Insofar as it concerned Mrs. Fielding, the story told by Lady Gould and her witnesses was the old one of the wicked stepmother. Not only did the outsider try and turn young Henry Fielding and the other children into Papists, but she also used them "in a most barbarous, cruel and inhuman manner." Worst of all, she managed the household so badly that the bread and the butter were usually uneatable, and the beer was so very small that the complainants "were very often forced to drink water two or three days together." Certainly this was a very serious allegation.

Of course, Colonel Fielding, as he was then, and his witnesses denied all this, but while it is clear that Lady Gould was something of a dragon, and would probably have influenced her grandchildren against their stepmother in any case, there is little doubt that the East Stour household was grossly mismanaged by the second Mrs. Fielding. If it was true that she had once kept an eating-house it must have been a very bad one, judging by the complaints against the victuals she provided at East Stour. No doubt the truth was that both she and her husband were far more at home among the pleasures of London than in the wilds of Dorset; certainly they seem to have spent far more time at Blenheim Street than in the country. However, whatever the rights and wrongs of the matter, all we know positively is that Lady Gould won her case, and was made one of the guardians of young Henry Fielding and the other children.

Meanwhile Edmund Fielding was, to use W. E. Henley's phrase, begetting "children with all the lusti-

ness of a British soldier.”<sup>1</sup> In all, six sons were born of this marriage, of whom George, Charles and John were baptised at St. James’s, Westminster, before December, 1721. The other three were James, Basil and William. All of them except John died young, and what little is known of them is of no great interest. On July 13, 1727 their mother died, worn out, one imagines, by this constant child-bearing. There was still plenty of life left in Edmund Fielding, however, and he married a third and a fourth time. Those were heroic days.<sup>2</sup>

How much of his time John spent in London and how much at East Stour it is impossible to say. Indeed, we do not meet him in the flesh, if I may be allowed the phrase, until 1749, when he was in his twenty-eighth year. One thing we know for certain about his earlier years is that when he was nineteen, that is to say about 1740-41, he was blinded. How, is a mystery. The only direct reference he ever made to this misfortune was in his preface to a collection of “essays on the most important subjects in life,” which he published in 1763 under the title of the *Universal Mentor*. “An accident,” he wrote, “which everyone but myself deemed a misfortune, forced me into retirement at the age of nineteen. . . . The rational delights of reflection, contemplation and conversation, soon made me insensible of any loss I had suffered from the want of sight.” Brave words; he added that it was during this period of retirement that he collected the material for his book.

The only other clue to John’s boyhood shows that he was meant to be a sailor. He might, of course, have distinguished himself at sea, but it may be fairly said

<sup>1</sup> *Biographical Essay in the Works of Henry Fielding*, 1903.

<sup>2</sup> This brief account of John Fielding’s parentage is based mainly on Miss Godden and Professor Cross. The former discovered the papers in the case *Fielding v. Fielding* (Public Record Office, *Chancery Proceedings*, 1720, etc.). That Edmund Fielding lived in Blenheim Street is established by the affidavit of one of his servants, Frances Barber (Public Record Office, *Affidavit Register*, Vol. 37, 1721, nos. 14-17 and 402-6). Particulars of his fourth marriage on March 9, 1740, were first published in *Notes and Queries*, August 26, 1922, p. 178, by Mr. J. Paul de Castro, to whom I am also indebted for drawing my attention to the affidavit of the Rev. Peter Wiggett, curate of St. James’s, Westminster, dated December 12, 1721, as to his baptising George, Charles and John Fielding (Public Record Office, *Town Depositions*, 1396, f. 29).



that in forcing him ashore his terrible accident was indeed a fortunate thing, for it enabled him to live the great life that was his. Only a man of almost superhuman character could have brushed away blindness as a trivial matter and thrown himself with outstanding success into a position in which, one would have thought, such a disability would have proved insuperable. When surveying his life as Chief Metropolitan Magistrate and Commissioner of Police, of which posts and all that they mean he was the pioneer, you have constantly to remind yourself that he was blind, so active and energetic was he in his self appointed duties, and so penetrating.

Describing the origin of his charity for sending poor boys to sea, John said that in January, 1756, Lord Harry Paulet, then commanding H.M.S. *Barfleur*, wrote and asked him to send thirty lads to the ship to act as officers' servants. "And as Sir John had been to sea himself, and was well acquainted with the station of captain's servants above-mentioned" (runs the account), "he began to think that this would be an excellent provision for the numberless, miserable, deserted, ragged and iniquitous pilfering boys that at this time shamefully infested the streets of London."

A military or naval career was natural for a Fielding, and in fact John already had a cousin in the navy, William Carr Fielding (1700-73), who reached the rank of Rear-Admiral. One of the various ways in which officers were recruited at this time was by the entry of "young gentlemen" as captain's servants, and this apparently was the method which Edmund Fielding chose for his son. Any parent who knew a ship's captain could enter his son in this way, and the lad remained under the captain's patronage from the time of his entry at the age of thirteen until he qualified as lieutenant six years or so later. Only then did the Admiralty become officially aware of his existence. This being so, the fact that John did not, owing to his accident, serve long enough to become a lieutenant makes it impossible to trace him in the navy lists of the period.<sup>1</sup>

<sup>1</sup> These records are now in the Public Record Office. Normally the

In June, 1741, Edmund Fielding died. This probably made little difference to John's resources, for the General was not a provident man except in begetting children. Only a year before his death he applied in vain for the vacant post of Lieutenant-Governor of Jersey, which suggests that he was anxious to make up to his family for his thriftlessness.<sup>1</sup>

I must now jump to 1749, when we first hear of John Fielding in London. He was then twenty-seven, and had been blind for some eight years. Our informant is that great gossip-writer, Horace Walpole; writing to George Montague on May 18, 1749, he said: "I could not help laughing in myself t'other day, as I went through Holborn in a very hot day, at the dignity of human nature; all those foul old-clothes women panting without handkerchiefs, and mopping themselves all the way within their loose jumps. Rigby gave me as strong a picture of nature: he and Peter Bathurst t'other night carried a servant of the latter's, who had attempted to shoot him, before Fielding; who, to all his other vocations, has, by the grace of Mr. Lyttelton, added that of Middlesex justice. He sent them word that he was at supper, that they must come next morning. They did not understand that freedom, and ran up, where they found him banqueting with a blind man, three Irishmen, and a whore, on some cold mutton and a bone of ham, both in one dish, and the cursedest dirtiest cloth!"<sup>2</sup>

The rest of this ungenerous letter does not concern us. Of course the "blind" man was John Fielding, and the "whore" Henry's second wife, Mary Daniel,

early service of an officer can be traced from the certificate of his promotion to lieutenant, wherein his total service is detailed. This failing us in John's case and our ignorance of the name of the captain who took charge of him make the tracing of his name, if it is recorded at all, a matter of luck. His cousin, William Fielding, was not promoted captain until after John had to retire, so that there is no clue to be obtained from his service. It is worth noting that Lord Harry Paulet, who was only a year older than John, entered the Naval Academy, Portsmouth, in August, 1733, and it is therefore possible that they made friends there. Unfortunately this does not help us to trace John.

<sup>1</sup> Letter from Lord Harrington to Edmund Fielding, June, 1740; Public Record Office, State Papers (Domestic), S.P. 44/129, p. 179. Printed in *Notes and Queries*, clxv., 207.

<sup>2</sup> *Letters of Horace Walpole*, edited by Mrs. Paget Toynbee, 1903.



an excellent woman who had been his first wife's devoted servant. Much ink has been spilt in commenting on this "humiliating anecdote," as Scott called it, but here I may dismiss it in Austin Dobson's words. "If the anecdote is discreditable to anyone," he wrote, "it is to that facile retailer of *ana* and incorrigible society-gossip, Mr. Horace Walpole."

John was not actually living with Henry in Bow Street at this time ; he had his own house in the Strand, where he managed the Universal Register Office, the history of which I shall give in the next chapter. I shall end this brief and necessarily sketchy account of his early years by setting down what is known of his first marriage, for this is a convenient place to do so, a strictly chronological arrangement of his life being out of the question. The event took place at the Duke Street Chapel, Westminster, on November 21, 1751, John then being thirty. His bride was "Miss Elisabeth Whittingham, Niece to the Rev. Dr. Whittingham of Staffordshire ; a Lady who deserves to be happy," as the *London Daily Advertiser* of November 22 said. Duke Street, a continuation of Delahay Street, which ran north from Great George Street, has long since been built over, and the marriage register of the Chapel is now in the custody of Westminster Abbey. There are but twelve entries, and the one concerning John only adds to our knowledge in that it describes him as "of St. Martin's-in-the-fields, Middlesex," and his bride as "of Litchfield."<sup>1</sup>

Eighteenth century Lichfield at once suggests three names to us ; Dr. Johnson, David Garrick and Anna Seward, and in fact we shall see a good deal more of these famous people, especially of Garrick. Only young Anna Seward was a particular friend of Mrs. Fielding's ; the other two were for all intents and purposes Londoners. With her, John's wife brought an adopted niece, Mary Ann Whittingham, a very

<sup>1</sup> *Notes and Queries*, clxv, 133, 178, 194, 304. I am indebted to Mr. G. W. Wright and Mr. Lawrence E. Tanner, Keeper of the Muniments, Westminster Abbey, for information concerning this marriage-register.



JOHN FIELDING, HIS FIRST WIFE AND THEIR ADOPTED  
DAUGHTER.

*(From a miniature by Nathaniel Hone, 1757.)*

*[To face page 6.]*





pretty girl, who must have been about six at the time of the marriage. Some two-and-a-half years later, in April, 1754, there was born her future husband, Allen Fielding, Henry Fielding's youngest child. John Fielding himself had no children.

Looking at the miniature of John and his family painted by Nathaniel Hone in 1757, we see him at the age of thirty-six as a full-faced, good-looking man, wearing an expression of calmness approaching self-satisfaction. We shall, indeed, find that John's worst fault was a tendency to pompousness and self-praise, for which he may easily be forgiven, for his was a thankless task. The most prominent feature of his face was his nose, which was long, with splayed-out nostrils. This was characteristic of the Fielding family, as drawings of Henry Fielding show. From the nearly whole-length portrait painted by Hone it may be said that John was tall and well-built. Here again he was like his half-brother, who was more than six feet tall. The black bandage over his eyes appears in all four portraits, and he seems to have worn it always. So much for his early years ; we may now see what he was doing in London when Dick Rigby found him dining with Henry.

## CHAPTER II

### “MESSRS. FIELDING & CO.”

MONTAIGNE, in his thirty-fourth essay, observed that his father had once considered promoting the establishment in every city of an office to which buyers and sellers might repair and register their goods and their wants, to their mutual benefit. In England effect was first given to such a scheme as early as 1611, when Sir Arthur Gorges and Sir Walter Cope started a “Register for generall Commerce” in London. Gorges’s prospectus has survived, but there is no evidence of the progress of his agency; probably it soon failed. The idea was, however, taken up by others, and by the Restoration the term “Intelligence Office” was in current use to denote a place where advertising sheets were issued and commercial information was available. When the Press was freed in 1695, advertising was largely diverted from the “Intelligence Offices” to the newspapers, and the former developed into employment agencies mostly of a shady character, their game being to force or cajole the unwary into binding themselves to go out to the Plantations.

In short, before the end of the seventeenth century “the ambitious schemes for bringing all who had goods and services to offer into touch with those who might need them petered out into small advertising concerns or employment agencies of a not too reputable kind. In the middle of the eighteenth century the aims of the early projectors were renewed in a remarkable way by a most interesting attempt to realise the aims and ideals of the modern labour exchange and something more. Its aims, its measure of success and its ultimate failure throw light on the conditions of the time. The difficul-



ties it encountered led two of its proprietors to interesting conclusions: one, that such an undertaking could only be successful as a Government undertaking. The other, that all employment agencies ought to be licensed and regulated by the Government. These were remarkable opinions in an age when the field of administrative Government action was at its most restricted, in practice if not in theory.”<sup>1</sup>

This undertaking was the Universal Register Office, started on February 19, 1749, by “a society of gentlemen of honour and abilities.” They were Henry Fielding, John Fielding, and Saunders Welch, then High Constable of Holborn and in business as a grocer.<sup>2</sup> If there were any more proprietors, their names have not survived. At first the office was “opposite Cecil Street in the Strand,” but soon more room was needed and a move was made to “the corner of Castle Court,” now the corner of Agar Street (No. 429 Strand).

Here John lived until 1754, when he took Henry’s house in Bow Street. On June 2, 1756, he let his old rooms to the Royal Society of Arts (then the Society for the Encouragement of Arts, Science and Commerce), of which he was one of the original members. Founded in 1754 by William Shipley, the Society remained John’s tenant some three years; then its expansion made a larger house necessary, and eventually it settled down in John Street, Adelphi.<sup>3</sup>

The Universal Register Office did so well that on April 6, 1752, another branch was opened at the corner of Bishopsgate and Cornhill<sup>4</sup> (John evidently thought much of corner houses), while liaison was kept up with a similar concern in Dublin. Its aims and objects were explained in a pamphlet, *A Plan of the Universal Register Office* (1751, etc.). The “address to the reader” was

<sup>1</sup> “The Early History of Registry Offices,” by Mrs. M. D. George, *Economic Journal* (Supplement), January, 1929, pp. 570–590.

<sup>2</sup> The first mention of his name as a proprietor of the Universal Register Office appears to be in an advertisement in the *Public Advertiser*, October 2, 1755, but he was probably concerned in the undertaking from its beginning.

<sup>3</sup> *History of the Royal Society of Arts*, by Sir H. T. Wood, 1913, pp. 38, 53–54.

<sup>4</sup> *Covent-Garden Journal*, March 28, 1752.

signed by John, but the main part was, from the style, undoubtedly Henry's work. He said that the undertaking was founded on Montaigne's essay, and was intended as a means of bringing "the world, as it were, into one place. Here the buyer and the seller, the tutor and the pupil, the master, the scholar and usher, the rector and curate, the man of taste and the ingenious artificer, the virtuoso with curiosities, the traveller and a companion, the tradesman and partner, the master and apprentice, or book-keeper, the master and servant, etc. are sure to meet; here ingenious persons of all kinds will meet with those who are ready to employ them, and the curious will be supplied with everything which it is in the power of art to produce."

In short, there was nothing in the way of legitimate business that the proprietors were not prepared to undertake, and their claim that "be the wants of persons ever so singular or extraordinary, 'tis highly probable they may have them supplied by enquiring at this office" was no idle boast. As well as keeping a register of "situations wanted and vacant," the fee for an entry varying from a shilling to threepence, the proprietors dealt in all manner of goods, new and secondhand, in houses and estates, and were ready to lend money "on all kinds of security from £100 to £100,000." Insurance was undertaken "on lives, ships, and merchandizes," and all information supplied on the subject of "travelling in all manners by sea or land, ships, whither bound and when depart, with the terms for passengers. Stage coaches: the inns they put up: the hours and days they depart and arrive at, with their prices. Bye and return coaches for Bath and all other places: when expected to arrive and when set out, and their prices. Likewise all methods of conveying goods either by land or water carriage, companions for post-chaises, etc. This article surely needs neither explanation nor recommendation. How advantageous, on the one hand, must it be to captains of ships and masters of stage or bye-coaches, at so trifling a cost as sixpence, to be sure of never missing a passenger: as, on the other hand, how



infinitely easy must it be to the public by the trouble of sending to a place, which, as it is in the very centre of the town, cannot be far off, and at a price of three-pence, to know every convenience of travelling to the place they are destined to.” In short, as Mrs. George says, the office “anticipated both the travel agency and *Bradshaw*.”

John was the moving force behind the undertaking, and as “Resident Proprietor” was usually available in the Strand office daily from nine to seven until he succeeded Henry at Bow Street, when he was only able to attend the office on Thursdays between twelve and two.<sup>1</sup> Clients were asked to call in the first instance (there were “proper rooms for their accommodations, and proper persons to attend them”) to find out enough about the methods of the concern to save unnecessary correspondence. Anyone with a complaint, however trivial, was asked to be sure and make it, “punctuality and integrity being the very basis of our office.”

One particular activity of the Universal Register Office deserves to be described in some detail. This was the sale of Glastonbury Water.

In October, 1750, one Matthew Chancellor, who lived near the famous old town, dreamt that he would be cured of the asthma that had troubled him for more than thirty years if on seven Sundays in succession he drank before breakfast a glass of water from a spring which bubbled out of the northern slope of Glastonbury Tor. The spring had been for ages well-known in the neighbourhood as the “Blood” or “Chalice” well, the ruddy hue of its water supporting the tradition that it rose from the spot where St. Joseph of Arimathea buried the Holy Grail.

According to the statement which he made on oath in April, 1751, Chancellor was completely cured by carrying out the instructions he received in his vision. News of the apparent miracle spread far and wide, undoubtedly through the efforts of the Mayor of Glaston-

<sup>1</sup> e.g. advertisements in the *Public Advertiser*, December 10, 1754, March 2, 1756.

bury, who with other notabilities of the place took charge of the spring and ran it for all it was worth.

That summer Bath and Bristol were deserted, and Glastonbury was teeming with visitors from all over the country. "Above 10,000 people came to Glastonbury, Somersetshire, from Bristol, Bath, and other parts to drink the waters there for their health" reported the *Gentleman's Magazine* under date Sunday, May 5, 1751. On August 24, 1751, the *London Daily Advertiser* published the names of a few of the "great number of polite people" who were there, and among them was "Henry Fielding, Esq. ; his Lady and daughter." On the following September 13 the same paper recorded Fielding's return to London on the previous day, much improved in health.

At this time the brothers had a strong connection with the *London Daily Advertiser*, and it regularly carried advertisements of the Universal Register Office, most of them signed "John Fielding." On July 25, 1751, and subsequently, he reproduced in an advertisement a statement made by Thomas White, Mayor of Glastonbury, and others that they, as proprietors of the Glastonbury Waters, had appointed the Universal Register Office sole agents for the sale of the water in London. Thereafter the arrival of supplies was advertised as they came in, the announcement usually ending with the directions : "The Quantity to be drank is Half a Pint every Morning fasting, the Price 1s. a Bottle, and the Bottle to be return'd or paid for."

Naturally Chancellor's dream and its happy results, happy both for him and the town of Glastonbury, were the cause of a good deal of caustic comment. An anonymous poet thus summed up the position in the *Gentleman's Magazine* for August, 1751 :

This town, very late, was a place of no note,  
Where scarce one in ten could afford a new coat ;  
But now since this *Popish* invention is found,  
In trade, and in plenty, and wealth, they abound.



By this well manag'd scheme to get rich by our folly,  
Their maids are grown buxom, their men blithe and jolly,  
Though humble before, now they're puffed up with pride,  
His ruffles each wears, and a sword by his side.

But let them not carry't with too high a hand,  
For this I can tell them, though now they command,  
The time is at hand which their craft shall disclose,  
Then sudden they'll sink as they suddenly rose.

A good deal was made of the Popish savour of the business ; Popish because tradition linked the spring with things that happened in the bad old days before the Reformation. If, indeed, people were made healthy by drinking the waters, argued some writers, it was superstition or faith that worked the cure, not the water itself. Such critics failed to see that it was the cure that mattered, not the treatment.

The doctors were divided, as usual. “To say the truth,” wrote Henry Fielding in *Tom Jones*, “every physician almost hath his favourite disease, to which he ascribes all the victories obtained over human nature. The gout, the rheumatism, the stone, the gravel, and the consumption, have all their several patrons in the faculty ; and none more than the nervous fever, or the fever on the spirits. And here we may account for those disagreements in opinion, concerning the cause of a patient's death, which sometimes occur, between the most learned of the college ; and which have greatly surprised that part of the world who have been ignorant of the fact we have above asserted.”<sup>1</sup>

Some doctors confirmed the efficacy of the waters, others replied, in effect : “Fiddlesticks !” In the *General Evening Post* of August 27, 1751, an anonymous writer alleged that the water sold by the Universal Register Office left on evaporation merely a slight deposit “such as common pure spring water yields,” and was therefore valueless. To this one “Z. Z.” replied in the *London Daily Advertiser* of August 31, saying that chymists might say what they liked, but

<sup>1</sup> *Tom Jones*, Book II, Chapter VIII.

he preferred to believe the evidence of his own eyes. Not only had he seen many cures, but also he himself had been "relieved from a disorder which baffled the most skilful physicians." However, he continued, the world would soon be able to read of the researches of a "worthy, ingenious, and disinterested gentleman" who had written a "judicious" pamphlet proving that "these waters have succeeded, when Bath and others have failed." This pamphlet<sup>1</sup> being in existence, "Z. Z." felt it unnecessary to say more.

These letters were reprinted in the *Gentleman's Magazine* for September, 1751, with the comment that "Z. Z." was supposed to be "J——e F——g," "Justice Fielding," of course. Although John had just become a magistrate, his appointment being noticed on the very same page of the *Advertiser* as "Z. Z.'s" letter, it is most probable that the *Gentleman's Magazine* intended "Justice Fielding" to mean Henry. The style of the letter, and the fact that John was manager of the Universal Register Office suggests that it was really John who wrote it, and not Henry; moreover, the *Post* of August 27 could hardly have reached the latter at Glastonbury in time for him to have got a letter into the *Advertiser* of August 31. The point is, however, but a small one at most.

Despite its critics the new spa flourished for some years, until the superior claims of Bath and Bristol as places of amusement helped to fulfil the poet's prophecy. On July 12, 1753, a pump room was opened with due ceremony, Matthew Chancellor, the hero of the whole affair, justly being made pumper.<sup>2</sup>

The discovery of the waters drew attention to another legend of St. Joseph, to the effect that he came to Glastonbury on Christmas Day, A.D. 63, and, being surrounded by a ferocious mob of unbelievers, planted his staff in the ground and prayed for guidance. Suddenly the staff was transformed into a living tree, a-bloom with

<sup>1</sup> The pamphlet was probably: *John v. 6. Wilt thou be made Whole? Or, the Virtues and Efficacy of the Water of Glastonbury . . . illustrated in above twenty remarkable Cases. . . . Collected by an Inhabitant of Bath.* London, 1751.

<sup>2</sup> *Gentleman's Magazine*, 1753, pp. 64, 389 and 454.



flowers and buds, and ever afterwards it flowered regularly every Christmas as well as at midsummer as proof of its miraculous origin.

This kind of twice-blooming thorn still takes its name from Glastonbury. Botanists, who like all scientists love long Latin words the Romans never owned, would have us call the innocent tree *Crataegus oxyacantha praecox*, which is their way of telling the world that it is hard, prickly and early-flowering. The original specimen at Glastonbury was undoubtedly a very fine one, and it is easy to understand how its peculiarity came to be given a miraculous explanation. It survived until the Civil War, when an earthy Roundhead felled it as an emblem of Popery. The tree was not killed without a struggle, says tradition; first the assassin's axe glanced off the trunk and cut his leg, and then a thorn flew into his eye, blinding it. There were, however, many other specimens in existence in Glastonbury and elsewhere, all supposed to have been grafts from the original tree. The sudden burst of interest in Glastonbury following the discovery of the healing spring led to much discussion of the so-called Holy Thorn and of its reputed descendants. To complicate matters, in 1752 England at last adopted the new-fangled Gregorian calendar, which Europe had used for some years past. As everyone knows, eleven days were cut off the calendar in September of that year, September 2 being followed by September 14, which must have been far more confusing and tiresome than our summer time. Very naturally the countryfolk regarded the whole business with the deepest suspicion (I need hardly say that it was thought a Popish plot) and in many places paid no attention to the change for some years.

On the evening of December 24, 1752 (New Style), some enterprising villagers of Quainton, near Aylesbury, suddenly remembered that a thorn bush of which no particular notice had hitherto been taken was an offshoot of the original Glastonbury tree. “Upwards of two thousand people” gathered round it that night to see if it would bud. It did not. Therefore “it was agreed

by all that the 25th of December, New Style, could not possibly be the right Christmas Day," and despite a sound cursing from the vicar, most of the villagers refused to go to church, according to the *Public Advertiser* of January 5, 1753. The issue of January 9 reported much the same thing from Glastonbury itself; the thorn in St. John's churchyard (still flourishing) obstinately delayed its blooming until January 5, which was Christmas Day according to the Old Style, "to the great mortification of many families in that neighbourhood, who had tapped their ale eleven days too soon." Even as late as 1754 the *Public Advertiser* had to report on January 31 that "letters from Oxfordshire advise that their Christmas lasted three weeks. The Clergy kept new Christmas; the mob kept the old; some went to Church, sat mute the usual time of prayers, sang the Psalms at the proper intervals, rang the bells, and got drunk at night."

To return to the Universal Register Office. It prospered. Its advertisements appeared successively from 1749 onwards in the *London Daily Advertiser*, the *Covent Garden Journal*, and the *Public Advertiser*, with all which papers the Fieldings were more or less intimately connected. Henry's *Enquiry into the Causes of the late Increase of Robbers* appeared in January, 1751, with a recommendation of the office as an employment agency; "the rude behaviour and insolence of servants of all kinds is become a general complaint," began the notice. In the first edition of *Amelia* (December, 1751) the Universal Register Office was puffed not only by an advertisement but also in the very text, a matter for which Henry was severely, and justly, criticised. The offending passages did not appear in the second edition.

The undertaking was soon successful enough to be imitated, much to John's disgust. Its most dangerous rival was the Public Register Office, in King Street, Covent Garden, which was first advertised in the *London Daily Advertiser* on October 29, 1751. On November 4 that paper published a letter from John Fielding in which he alleged that the proprietor of the



Public Register Office, “ one Dullwin, a travelling Frenchman,” had deliberately wormed his way into the confidence of the clerks of the Universal Register Office in order to establish his own rival concern. Dullwin, said John, had entered his name on their books as a French teacher, and had made himself so pleasant to the staff, “ that he was suffered, when the Office was very full, to assist the clerks in their duty, which he did with great willingness.” Then he disappeared, to blossom out on his own. “ This is, I am certain,” concluded John, “ the only country in Europe where a foreigner could do an act like this with impunity ; and I hope we have still so much love of our country, and our own countrymen, left, that an adventurer of this kind will be *here* received with the contempt he deserves.”

To this D'Halluin replied on November 6. He admitted having learnt his business from “ Mr. Folding ” (a reprisal for “ Dullwin ”), but excused this on the grounds that he had been offered a partnership in the Universal Register Office, only to be refused at the last moment. The other proprietors of his concern were, he said, English, and he himself was a Belgian who had long been in business in London, and certainly not a “ travelling Frenchman.” On the whole, he failed to refute John's charges.

The leader-writer for the *London Daily Advertiser* at this time was Dr. John Hill (1716-76), who styled himself “ Sir ” John on the strength of a Swedish decoration. He was described rudely but not too inaccurately by Christopher Smart, in an epic called *The Hilliad*, as :

Pimp! Poet! Puffer! 'Pothecary! Player!

“ Puppy,” Horace Walpole called him. Hill was, in fact, a man of parts, the most important of which to him were hacking for the booksellers and, from 1761 onwards, gardening for George III at Kensington at a salary of £2,000 a year. He was not, as is often stated, the author of Mrs. Glasse's *Art of Cookery*, the book which does not contain the famous remark, “ First catch your hare,” although it is supposed to.



By virtue of his position on the *Advertiser* Hill gained the friendship of people who would otherwise have left him alone. So partisan was the press that John Fielding had great difficulty in getting his advertisements accepted, and friendship with "Puffer" Hill was therefore useful to him. Thus his letter about "Dullwin" was inspired by Hill's praise, apparently unsolicited, of the Universal Register Office in the *Advertiser* of the previous October 30. The letter of November 4 was followed on the 9th by one from "Philanthropos," one of the proprietors of the office, who complained that another paper, the *Daily Advertiser*, had refused their advertisements, although it admitted those of their rivals free; even from a footman whom one of the proprietors had discharged for insolence, who had "set up an office, or rather a shed, and called it the Universal Register Office." Which of the three named proprietors "Philanthropos" was need not be discussed here.<sup>1</sup>

On November 10 John wrote privately to Hill thanking him again for the article of October 30, to which he attributed "the great concourse of people of fashion that have lately appeared at our office." After praising Hill's discernment he pointed out how difficult it was to get newspapers other than the *London Daily Advertiser* to accept his advertisements. "I must beg therefore that you would indulge us with another paper as soon as you shall judge convenient," he continued, "and as your compliance with this request will serve my own private interest as well as oblige the public, you may be persuaded that however ungrateful they may prove, you shall never want the proper acknowledgments from, Sir, your most obliged humble servant, John Fielding."<sup>2</sup>

This request does not seem to have been granted. In any case a much better way of making their office known than by relying upon such creatures as Hill had occurred to the Fieldings; to run a paper of their own. They had, in fact, decided upon this when Hill suddenly

<sup>1</sup> Nine letters over this signature were summarised by the present writer in a letter to the *Times Literary Supplement*, July 27, 1933.

<sup>2</sup> British Museum, Stowe MSS., 155, f. 124.

began praising their office, and had already announced in the *Advertiser* of November 1, 1751 that on the 23rd of the month there would be published the first number of a twice-weekly paper “of entertainment by several eminent hands,” entitled the *Covent Garden Journal*. It did not, however, appear until January 4, 1752. Henry Fielding was editor, writing as “Sir Alexander Drawcansir, Knt. Censor of Great Britain,” and he made the most of this splendid opportunity to discuss the social and legal questions which interested him so much. “Never before,” says Professor Cross, “was Fielding’s journalism quite so free from external restraint.”

This brings us back to D’Halluin, the rascally proprietor of the Public Register Office. The publication of the *Covent Garden Journal* must have been a blow to him, for it gave his rivals a decided advantage in advertising. On the other hand, it afforded the Belgian an excellent opportunity of poking fun at the magistrate who was also novelist, journalist and tradesman. Accordingly on January 16, 1752, when Fielding’s paper had reached its fourth issue, there was published from “the Public Register Office in King Street, Covent Garden” a weekly paper called *Have at You all, or the Drury Lane Journal*, “by Madam Roxana Termagant, Addres’d to Sir Alexander Drawcansir, author of the *Covent Garden Journal*.”

The *Drury Lane Journal* was not a real newspaper, but simply a series of pamphlets burlesquing Fielding and his journal. It was written by one Bonnell Thornton, a drunken hack whose talent was overpraised by his contemporaries. His best effort was the *Connoisseur*, a weekly essay-paper which he ran during 1754-56 with George Colman the elder, the playwright and father of George Colman the younger, who was probably the most prurient play-censor that has ever served the Lord Chamberlain. Thornton seems to have had no personal spite against the Fieldings, and it is most likely that the idea of the *Drury Lane Journal* was suggested to him by D’Halluin.<sup>1</sup> At any rate the pamphlet, which

<sup>1</sup> See *The Covent-Garden Journal*, by G. E. Jensen, 1915.



only ran to twelve numbers, must have hugely pleased the Belgian, for it was sheer Billingsgate from beginning to end.

Thornton's wit was not of a very high order, although he was able to make Johnson laugh. For instance, when John Fielding advertised for sale at the Universal Register Office "A Bullfinch that Pipes the March in Rinaldo at Command" (*Covent Garden Journal*, January 4, 1752), Thornton could not do better than this rather laborious parody :

*A Bullfinch that Pipes the March in Rinaldo at Command.*

A Boar that grunts the Pig's March to the Sow-Gelder's Horn at Hog's-Norton, where the Pigs play upon the Organs.

Justice's Sword, of base Metal with a *double* edge, not very sharp, and no *Point*.

A Pair of Scales, ditto, to weigh *Puns* in.

Several *Bargains to be sold*, and a parcel of Second-hand Wit, to be disposed of to anyone that can *take* it.

This was the kind of nonsense that Thornton turned out, and I need quote no more. The rag came to an end on April 9, 1752, its short life fully justifying Henry in his refusal to allude to it in his own paper.

Despite the activities of D'Halluin and other rivals the Universal Register Office forged ahead under John's able management. D'Halluin quarrelled with his partner in 1756, and moved to the Haymarket, while his partner remained in Covent Garden. Thus there were two Public Register Offices open at the same time. On December 21, 1756, the *Public Advertiser* reported that John had committed to prison "a person belonging to the Public Register Office in Covent Garden," for obtaining money by false pretences from people seeking employment, by making them pay half-a-crown for a job that never materialised. The report was inserted as a warning to all concerned.

The *Covent Garden Journal* came to an end on November 26, 1752, Henry Fielding announcing that he had "neither inclination nor leisure" to proceed with it,

and recommending the *Public Advertiser* in its stead, under which title the *General Advertiser* was to be continued. The new paper appeared on the following December 1, the colophon stating that it was to be bought at the Universal Register Office amongst other places.

The *Public Advertiser* became, as we shall see, the regular medium for John's police advertisements, the pawnbrokers having agreed from the outset to take in the paper as the one in which stolen goods were usually advertised. Of course it was said that the reason why this paper was chosen as a kind of Bow Street “Police Gazette” was that John was a shareholder. In fact he was not, but Henry was. Another shareholder, perhaps, was Garrick, whose relations with John I shall have to discuss presently. At any rate the *Public Advertiser* obtained the important concession of being the only paper in which the playbills of both theatres, Drury Lane and Covent Garden, appeared regularly.

A new edition of the *Plan of the Universal Register Office* was published in 1755. It differed very little from the original pamphlet. The proprietors were described as “John Fielding, Esq. and Co.,” and complaint was made of “imitators, who not being contented to pirate our plan, do also privately assume the name of Fielding.” At the end John gave some maxims for “faithful, honest and industrious” servants, which could also be had printed on a large, single sheet suitable for hanging up in the servants' hall.

After the death of Henry Fielding, who held twenty shares in the office, Saunders Welch was named with John as a proprietor. Some of their joint advertisements show how the office was made to serve as an adjunct to Bow Street; the following, for instance, appeared in the *Public Advertiser* of October 2, 1755 :

“To all strangers who come to London to transact business or for employment, and especially servants who come out of the country.

Whereas it too frequently happens that persons who come from the country to London either to transact



some little business, or to be employed in the station of servants or otherwise, become the too easy prey of gamblers and bawds and are ruined before they know where they are, for want of having such friends and acquaintances in town as might inform them or guard them against the numberless artifices practised by the wicked here, to deceive the unwary, and betray the innocent. We therefore earnestly recommend it to such persons to be particularly cautious where they first lodge, and with whom they first become acquainted : And if, as soon as they arrive in London, they would come immediately to the Universal Register Office . . . they will find a society of gentlemen who, if they are servants, and can give such an account of themselves as may enable the proprietors of that office to get an undeniable character of them, will place them in some creditable family ; or if they have business to transact, will shew them the readiest, safest and cheapest manner of doing it. And as it is much more agreeable in itself, and much more useful to the public to prevent offences than to punish offenders, it is to be hoped that a due attention to this advertisement will in time decrease the number of those unhappy wretches that are daily brought before us when acting as magistrates, as objects of punishment ; many, nay most, of whom owe their destruction either to their necessity from the want of employment, or to the artifices of such whose shameful interest it is to debauch the modest and ensnare the ignorant and unexperienced.”

There is abundant evidence to prove that John Fielding and Saunders Welch did not exaggerate the risks run by the inexperienced in London. The announcement just quoted at once calls to mind the first plate of the *Harlot's Progress*, where the innocent country girl is met on her arrival in London by the bawd posing as an honest employer. John himself may well have been thinking of this when he drafted the advertisement, for it was painted before he lost his sight ; certainly direct reference to *Beer Street* and *Gin Lane* was made in a

letter emanating from Bow Street in 1757, which I shall quote when we come to the Marine Society. John, however, could not have seen these works. Everyone who has read *Tom Jones*, if nothing else of Henry Fielding's, knows that Hogarth and Henry were great friends. “I esteem the ingenious Mr. Hogarth,” wrote the latter in the *Champion*, March 16, 1740, “as one of the most useful satirists any age hath produced. In his excellent works you see the delusive scene exposed with all the force of humour, and, on casting your eyes on another picture, you behold the dreadful and fatal consequence. I almost dare affirm that those two works of his, which he calls the *Rake's* and the *Harlot's Progress*, are calculated more to serve the cause of virtue, and for the preservation of mankind, than all the folios of morality which have been ever written; and a sober family should no more be without them, than without the *Whole Duty of Man* in their house.” The relations between Henry Fielding and Hogarth have been fully discussed by their biographers, but it is worth my repeating that *Gin Lane* appeared in 1751 a few weeks after the publication of Henry's *Enquiry*, and the conclusion is irresistible that it was directly inspired by the pamphlet. That John Fielding and the artist were personally acquainted is obvious.

Another advertisement of the Universal Register Office, appearing in the *Public Advertiser* of January 24, 1758, ran as follows :

“As the misconducts and inconveniences of apprentices in this town, who are a very numerous body, are generally owing either to the dislike of the trade to which they are bound, to the want of example in the families in which they are placed, or to their being taken, as they too often are, for the sake of the money given with them, this is to give notice, that at the Universal Register Office carried on by Messrs. Fielding and Welch, masters wanting apprentices, and apprentices masters, are respectively entered, and all parents and guardians are carefully instructed by Mr. Fielding himself in proper



choice of trades according to the capacities and circumstances of the boys to be put out, and proper caution given to avoid the inconveniences arising from improper indentures and other causes to which masters and apprentices are now subject. It is therefore to be hoped that no master will make an entry in this office for an apprentice who does not really want his services, for experience teaches that disorders and confusions in society do not arise so much from want of talents in the individuals of it as from the misapplication of these talents. And as the public good is our object in this advertisement, we doubt not but it will meet with a candid construction and a due confidence in the public's faithful servants,

J. Fielding, S. Welch, Proprietors.

All letters from the country, post-paid, will be duly answered, and proper masters obtained for boys before they are sent into the dangerous temptations of this town."

"This is probably the first attempt," says Mrs. George, "to cope with the problems, now dealt with by juvenile labour exchanges and by associations for selecting industrial careers and preventing blind alley employment, which are sometimes mistakenly supposed to have been satisfactorily solved by the old apprenticeship system."

Although it aimed at universality at first, the office was in fact primarily an employment agency. Great emphasis was laid on the importance of employers giving discharged servants "just and impartial recommendations," for otherwise "every good intention of this plan to the public must inevitably be defeated ; for a just character is a servant's dependence and bread, and the master's and mistress' only security."

John was, however, too busy at Bow Street and competition from unscrupulous competitors was too fierce for the Universal Register Office to fulfill its early promise of success. In the summer of 1761, or perhaps before, John handed over control to one Thomas Adams,

who had been a “principal clerk” in the concern in Henry Fielding’s day. By June 29, 1761, the Strand office had been moved from Castle Court to Beaufort Buildings.<sup>1</sup> Adams was apparently unable to make the concern a success, and in an advertisement in the *Public Advertiser* on November 8, 1764, suggested that “it might be subjected to a licence, or to whatever regulation the legislature may think fit to impose on him and every undertaking (by whatever name distinguished) of the like kind, throughout his Majesty’s British dominions, as by this or some such method, that which may be productive of real benefit to society when under due restrictions will not be totally lost on account of the misconduct of a few mercenaries.” As Mrs. George has pointed out, this was a remarkably far-sighted suggestion.

John himself thought that such undertakings should be entirely run by the Government. Writing in his *Extracts from the Penal Laws* (1761) on the Act “for the better adjusting and more easy recovery of wages of certain servants, and for the better regulation of such servants” (20 Geo. II, c. 19), which applied only to labourers, he said that it would have been of great benefit had the law included all servants and their employers. “The body of domestic servants is very large, and at present without any regulation; but it is apprehended, that if a Register Office, founded on the same principles, and executed by the same methods as that in the Strand, so long carried on by Mr. Fielding and Co. were to be under Parliamentary sanction, to have all imitators suppressed, to be executed by Commissioners, and the profits arising to go to the Government, it would be a great blessing to mankind; as it would open a fair channel for preferment for every faithful, industrious and diligent servant, and would effectually prevent dissolute servants from admission into quiet worthy families.” “Here is the labour exchange idea full-fledged,” remarks Mrs. George in

<sup>1</sup> The new address first appeared in the colophon of the *Public Advertiser* on the above date.



her article in the *Economic Journal*. "Its author had realised the essential incompatibility between a profit-making concern and a scheme of social welfare."

"The effect of the establishment of the Universal Register Office was to change the name of an employment agency from an Intelligence Office to a Register Office—later to become Registry Office—and their reputation was not amended," continues Mrs. George. "It became a recognised maxim of the later eighteenth century never to take a servant from a Register Office. In a newspaper article on 'How to prevent house-breaking from without and bankruptcies from within,' one of the rules to be observed is: 'Never take a servant into your house who has sat two hours on a bench in a Register Office: If they had any honesty when they went there, they will have found counsellors to teach them to part with it at the first opportunity.'"<sup>1</sup>

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<sup>1</sup> *Public Advertiser*, December 16, 1773.

## CHAPTER III

### POLICE AND CRIME IN THE EIGHTEENTH CENTURY

ON August 29, 1751, John became a magistrate for Westminster,<sup>1</sup> an office which his brother had held for the past three years. "It was not until the middle of the century that any intelligence was brought to bear on the problem of police, or that any promise appeared of a better state of things in that department of government," writes the author of the standard history of English police. "For an awakened interest and the resulting improvement we are mainly indebted to the famous novelist, Henry Fielding. . . . In his attempts to improve the police, Fielding was ably seconded by his half-brother, Sir John Fielding, who . . . inaugurated some valuable and far-reaching reforms. . . . The success that attended Sir John Fielding's innovations was prompt and abiding. Bow Street quickly became pre-eminent as the only court where justice was dispensed in a businesslike manner, and its officers, under the name of Bow Street Runners, became famous for their skill and sagacity."<sup>2</sup>

Sir John Moylan, the present Receiver of the Metropolitan Police, and the historian of Scotland Yard, has said that "the services rendered by this blind magistrate to the Government and the public, and expected of him, were indeed extraordinary. His functions were, to a large extent, such as are now vested in the Commissioner of Police."<sup>3</sup>

So that the importance of his work may be properly appreciated, I propose now to discuss briefly the system

<sup>1</sup> *London Daily Advertiser*, August 31, 1751.

<sup>2</sup> Lee, pp. 155-157. For a note on the term "Bow Street Runners" see the Appendix.

<sup>3</sup> *Police Journal*, January, 1929, p. 160.



of police in operation when John became a magistrate. The word itself needs explanation, for it is only within the last hundred years that "police" has come to mean "constabulary." Derived from the same root as "policy" and "polity," "police" formerly stood for "local government." It came to us from France in the reign of Queen Anne, first being used, according to the *Oxford Dictionary*, in the appointment of certain "Commissioners of Police" for Scotland in 1714. It was very slow in coming into general use, and it was, in fact, John Fielding who popularised it. "This word," he wrote in the introduction to his *Extracts from the Penal Laws* (1761), "as it has been greatly misunderstood and misrepresented, I shall endeavour to explain. The best explanation I have ever met with of the word itself, is what follows, viz. that it is the regulation and government of a city or country, so far as regards the inhabitants. And this must always be suited to the nature of the government and constitution of the country where it is exercised. The police of an arbitrary government differs from that used in a republic; and a police proper for England, must differ from them both; as it must always be agreeable to the just notion of the liberty of the subject, as well as to the laws of this country." These were wise words.

John's frequent use of the word "police" produced a letter "to the Printer of the *Public Advertiser*," which paper, as we shall see, was for many years the medium for Bow Street news. Signed "Tom Tipsey," the letter was published on October 21, 1763, and was reprinted by the *British Magazine* (edited by Smollett) for the same month. Thence it has found its way into the *Oxford Dictionary* (which, by the way, gives the date as April) as an important contribution to the history of the word "police." "It has made many bold attempts to get a footing," asserted "Tom Tipsey." "I have seen it more than once strongly recommended in the papers; but as neither the word nor the thing itself are much understood in London, I fancy it will require a considerable time to bring it into fashion; perhaps,

from an aversion to the French, from whom this word is borrowed ; and something, under the name of police, being already established in Scotland, English prejudice will not soon be reconciled to it. Not long ago, at a bagnio in Covent Garden, on my complaining of some imposition, I was told by a fair North Briton, that it was the regular established *police* of the house. This, I own, is the only time I have heard it used in any *polite company* ; nor do I believe it has yet made any considerable progress (except in the newspapers) beyond the purlieus of Covent Garden."

During John's lifetime the word became generally understood as applying particularly to the prevention and detection of crime, but even at the end of the century an intelligent foreigner could write : "The English have no word in their language to express *police* ; but it would be a great mistake to suppose that the thing itself did not exist among them."<sup>1</sup> Indeed, as the *Oxford Dictionary* shows, as late as the 1840's Macaulay called the improvement made in street-lighting in Charles II's reign "a great change in the police of London," and Disraeli described labourers' hovels as being "unprovided with commonest conveniences of the rudest police ; contiguous to every door might be observed the dungheap."

So much for the word ; now for the thing. It, on the other hand, is ancient enough. The ancestor of the modern police-constable was the "tithingman" or "headborough" of the days of Alfred the Great. By the system of "frankpledge" the "tithingman" was responsible for the good behaviour of the inhabitants in his "tithing" or group of ten houses. As early as 1252 he began to be called "constable" <sup>2</sup> in State papers, although the former terms remained as alternatives and were even used in the Parish Constables' Act of 1872.

<sup>1</sup> *A Picture of England*, by W. de Archenholtz, 1797 ; p. 292.

<sup>2</sup> "Constable" is derived from the late Latin "*comes stabuli*," or "marshal of the stable." The Normans brought the word to this country, and used it in the sense exemplified to-day in the title "Constable of the Tower." It is worth noting that the original "viscount" was the "vice-comes."



In 1285 the constable's main function was outlined in an Act, the Statute of Winchester, which lasted for more than five hundred years with but little alteration, and is still the foundation of our police structure. It came to be passed because (in the words of the preamble) "from day to day, robberies, murders, and arsons be more often used than they had been heretofore," and its most important provision was the definition of Watch and Ward, which had "been used in times past" but had been allowed to languish. From four to twelve men, according to the size of the place, were to keep watch all night and hold any strangers until morning. If, the next day, the strangers could satisfy the Watch as to their integrity, they were to be released; if not, they were to be delivered to the Sheriff for further inquiry. "And if they will not obey the arrest, they shall levy hue and cry upon them, and those who keep the Watch shall follow them with hue and cry with all the town, and the towns near, from town to town, until that they be taken and delivered to the Sheriff, as before is said; and for the arrestments of such strangers none shall be punished." Hue and cry, it should be explained, was first defined by the Statute of Westminster passed ten years earlier. As I have said, the Statute of Winchester lasted for centuries, and it was not until the end of the eighteenth century that it began to be regarded as old-fashioned.

The Justice of the Peace was, until the reforms of the last century, first and foremost a policeman. In 1195 it was made the duty of certain knights to see that all adult males held arms in readiness to keep the king's peace if called upon to do so. During the next half-century these knights became known as Peace Wardens or Conservators of the Peace, and in 1327 it was enacted that in every county "good men and lawful" should be assigned, and not merely elected as formerly, to see that the peace was kept. "This put an end to the election of conservators, and was the beginning of the legislation relating to officers who afterwards became justices of the peace. At first their authority was

simply executive, being limited probably to suppressing disturbances and apprehending offenders, so that they were little more than constables on a large scale.”<sup>1</sup> As time went on their powers were extended to include judicial as well as executive functions, but they were still primarily policemen. John Fielding, as we shall see, was as much Commissioner of Police for the Metropolis as Magistrate.

Looking at the actual working of this police in the eighteenth century, the first thing that strikes us is that the magistracy had fallen into the hands of men of low degree who took office simply in order to make as much as they could out of bribes and fees. They encouraged litigation with this end in view ; they had street-walkers arrested simply that they might gain the fees from bailing them ; they bailed persons who should have been held in gaol ; in short, they dealt out justice to the highest bidder, just as they dealt out the goods that they sold as shopkeepers, for in London most of the magistrates were drawn from this part of the community. Henry Fielding described the trading justice once and for all in *Amelia*. “Mr. Thrasher,” he wrote, “had some imperfections in his magistratical capacity. I own, I have been sometimes inclined to think that this office of a justice of peace requires some knowledge of the law : for this simple reason : because, in every case which comes before him, he is to judge and act according to law. Again, as these laws are contained in a great variety of books, the statutes which relate to the office of a justice of peace making themselves at least two large volumes in folio ; and that part of his jurisdiction which is founded on the common law being dispersed in above a hundred volumes, I cannot conceive how this knowledge should be acquired without reading ; and yet certain it is, Mr. Thrasher never read one syllable of the matter.

“This, perhaps, was a defect ; but this was not all ; for where mere ignorance is to decide a point between

<sup>1</sup> *History of the Criminal Law*, by Sir J. F. Stephen, 1883, i, p. 112 ; Lee, pp. 43-59.



two litigants, it will always be an even chance whether it decides right or wrong : but sorry am I to say, right was often in a much worse situation than this, and wrong hath often had five hundred to one on his side before that magistrate ; who, if he was ignorant of the laws of England, was yet well versed in the laws of nature. He perfectly well understood that fundamental principle so strongly laid down in the institutes of the learned Rochefoucault, by which the duty of self-love is so strongly enforced, and every man is taught to consider himself as the centre of gravity, and to attract all things thither. To speak the truth plainly, the justice was never indifferent in a cause but when he could get nothing on either side.”

Until the Fieldings made their reforms, magistrates dispensed justice, or what they were pleased to call justice, in their own houses or shops, or even in taverns. Up to about 1763 even the Westminster Quarter Sessions were held in “Hell,” the tavern by Westminster Hall which Pepys used to frequent for his “morning draught.” The history of Bow Street as a police centre begins in 1729, exactly a century before the formation of the Metropolitan Police.

The first Bow Street magistrate was Thomas De Veil, born in London in 1684 of Huguenot parents. After a short term as a mercer’s apprentice he entered the army as a private soldier, retiring after the Peace of Utrecht in 1713 with the rank of Colonel. By chance he settled in Scotland Yard of all places, and, so his *Memoirs* tell us, made it his business to solicit “at the War Office, the Treasury and other public boards, drawing petitions, cases and representations, memorials and such kind of papers.” In 1729 he became a justice of the peace with the express object of gaining “the confidence of the Court and Ministry” in this office, for it had long been the practice of the Government to rely on one of the leading magistrates for confidential services which King’s Messengers were not empowered to undertake. The post of Court Justice, as it was called, was entirely unofficial but one of importance, and in that De Veil





THE PUBLIC OFFICE, BOW STREET.

*(From a water-colour by Winston, 1825, now in the Crace Collection,  
British Museum.)*

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received grants from the public service money and was knighted in 1744 it appears that he gained his end. He was undoubtedly an active magistrate, but he was as corrupt as any, for which, however, he may be forgiven to some extent, as he had to provide for a constant flow of children, his four marriages adding twenty-five De Veils to the population. As if this was not enough to keep him busy, he was an ardent supporter of the ladies of Covent Garden.<sup>1</sup>

Not long before his death, which occurred on October 6, 1746, Sir Thomas De Veil settled in Bow Street, which was then, and continued to be until recently, on the Duke of Bedford's estate. The house was on the west side of the street, the third northward from Russell Street, about where The Grapes public house is now.<sup>2</sup> The present police court is on the other side of the road.

De Veil's successor was an old man named Poulson, who reigned no more than two years. Then came Henry Fielding, the vacancy having been secured for him by George Lyttelton (the first Lord Lyttelton) who had been at Eton with him, and the Duke of Bedford. Henry thanked the Duke for his "princely benefactions" in the dedication of *Tom Jones*, which must have been seen through the press from Bow Street, for Henry was there in the winter of 1748 and the book was published in the following February. His benefactors thought that they had helped him to a very lucrative post, for it was known that De Veil had received money from the Government, and in addition there were the perquisites of office.

But Henry Fielding happened to be an honest man. Writing in his *Journal of a Voyage to Lisbon* (1754) of his

<sup>1</sup> The main source of information about Sir Thomas De Veil is the posthumous and anonymous *Memoirs of the Life and Times of Sir Thomas De Veil*, 1748. De Veil himself wrote *Observations on the Practice of a Justice of the Peace*, 1747. His career has been dealt with in some detail by P. H. Fitzgerald and Gilbert Armitage, and by Sir John Moylan in the *Police Journal*, 1929.

<sup>2</sup> I am indebted to Mr. J. Paul de Castro for these and other details of the old "Public Office" in Bow Street, some of which he published in the *Modern Language Review*, April, 1917, p. 233.



being paid by the Treasury to break up a gang, a matter to which I shall return presently, he said that he stayed on at Bow Street to accomplish this instead of retiring to Bath to recover from the illness which eventually cost him his life. "Mine was no longer what is called a Bath case ; nor if it had been so, had I strength remaining sufficient to go thither, a ride of six miles only being attended with an intolerable fatigue. I now discharged my lodgings at Bath, which I had hitherto kept. I began, in earnest, to look on my case as desperate, and I had vanity enough to rank myself with those heroes who, of old times, became voluntary sacrifices to the good of the public.

"But, lest the reader should be too eager to catch at the word *vanity*, and should be unwilling to indulge me with so sublime a gratification, for I think he is not too apt to gratify me, I will take my key a pitch lower, and will frankly own that I had a stronger motive than the love of the public to push me on : I will therefore confess to him, that my private affairs at the beginning of the winter had but a gloomy aspect ; for I had not plundered the public or the poor of those sums which men, who are always ready to plunder both as much as they can, have been pleased to suspect me of taking : on the contrary, by composing, instead of inflaming, the quarrels of porters and beggars (which I blush when I say hath not been universally practised) and by refusing to take a shilling from a man who most undoubtedly would not have had another left, I had reduced an income of about £500 a year of the dirtiest money upon earth, to little more than £300 ; a considerable proportion of which remained with my clerk ; and indeed if the whole had done so, as it ought, he would be but ill paid for sitting almost sixteen hours in the twenty-four, in the most unwholesome, as well as nauseous air in the universe, and which hath in his case corrupted a good constitution without contaminating his morals."

To this paragraph he added a note which evidently referred to Sir Thomas De Veil : "A predecessor of mine used to boast that he made £1,000 a year in his

office : but how he did this, if indeed he did it, is to me a secret. His clerk, now mine, told me I had more business than he had ever known there ; I am sure I had as much as any man could do. The truth is, the fees are so very low, when any are due, and so much is done for nothing, that if a single justice of peace had business enough to employ twenty clerks, neither he nor they would get much by their labour. The public will not therefore, I hope, think I betray a secret when I inform them, that I received from the government a yearly pension out of the public service money ; which I believe indeed would have been larger, had my great patron<sup>1</sup> been convinced of an error, which I have heard him utter more than once. That he could not indeed say, that the acting as a principal justice of peace in Westminster was on all accounts very desirable, but that all the world knew it was a very lucrative office. Now to have shown him plainly, that a man must be a rogue to make a very little this way, and that he could not make much by being as great a rogue as he could be, would have required more confidence than I believe he had in me, and more of his conversation than he chose to allow me ; I therefore resigned the office, and the farther execution of my plan to my brother, who had long been my assistant.”

I could give no better summary than this of the popular opinion of the justice of the peace in the latter half of the eighteenth century, an opinion which the Fieldings managed slowly to reverse. Obviously, we may now say, it was too much to expect men properly qualified by birth and education to undertake the difficult and responsible task of administering justice in a crime-ridden metropolis simply for love of the public, and it was John Fielding who showed that corruption would not be stamped out until metropolitan justices were placed on a stipendiary basis. Like Henry, he received a pension from the government, but, as we shall see, it was not until 1792, twelve years after his death, that his recommendations in this respect were adopted.

<sup>1</sup> The fourth Duke of Bedford (1710-1771).



Soon after his appointment as a Westminster justice, Henry Fielding had his jurisdiction extended to include all Middlesex, while a few months later he was elected Chairman of the Westminster Sessions. Thus he was recognised as Principal Justice of the Peace in Westminster, the position that De Veil had held as "Court Justice." John Fielding followed his brother as Principal Justice and raised Bow Street to such a pitch of importance that it became the centre from which police reforms, both judicial and executive, developed. It is well-known that since 1839, when the Metropolitan Police Courts Act was passed, the senior magistrate at Bow Street has been Chief Metropolitan Magistrate and head of the Metropolitan Police Courts service, a post which carries with it the honour of knighthood.

Here a word may be said of the department of government to which the justices were responsible. The Home Office as such did not come into being until March, 1782. In John Fielding's time two Secretaries of State were responsible for the affairs now managed by the Home Office and the Foreign Office. The Secretary of the Northern Department, as it was called, directed foreign policy in regard to middle and northern Europe and Russia, and he of the Southern Department dealt with southern Europe and the Near East. Ireland and the colonies, perhaps because of their bumptiousness, devolved upon the elder of the two ministers, irrespective of department, while domestic affairs fell to the Secretary of the Northern Department. In practice, however, the organisation was not hard and fast, and the two ministers interchanged business in a way which must have been as confusing at the time as it is now to the historian.

So much for the justices; now for the constables whom they administered. It is not surprising to find that all the faults of the masters were in the men too. Small tradesmen, chosen by rote to fulfil the office of parish constable for the period of a year, they were expected to perform a dangerous and onerous task gratuitously. Some were corrupt, many were down-

right lazy, and most of them were ignorant of their powers. Moreover, they were few in number ; in the nine parishes of the City of Westminster there were but eighty constables during the period with which I am dealing.<sup>1</sup> It was, therefore, quite common for soldiers to be called out to guard dangerous criminals when captured, while in the event of a riot military force nearly always had to be used sooner or later. Each parish had its high constable, one of the larger tradesmen, who was responsible for the policing of his division, but the petty constables were not subordinate to him, so that "he had, in short, most of the responsibilities of the modern chief constable, with no power of appointing, dismissing, or controlling his assistants."<sup>2</sup> Westminster differed from other places in that its constables had jurisdiction over the whole city, and not merely in their particular parishes, but each parish had to provide its due share of men for the duty. They were appointed by the Westminster Court Leet, or court of burgesses, although the justices were much more deeply concerned in the matter, an anomaly which made confusion worse confounded.<sup>3</sup>

I have said that these men had a dangerous and onerous task, as indeed has the modern constable. But this was the case only when they did their duty according to the spirit of the law ; their routine business amounted to very little more than keeping a record of newcomers to their locality, and going out with the Watch periodically, one constable in each parish being charged with performing this duty every night.

In practice the brunt of the work was performed by deputies, watchmen hired by the parish authorities at the rate of from eightpence-halfpenny to two shillings a night. Until the Fieldings got to work it was the "Charleys," as the watchmen were called for some reason which has never been clearly established, upon whom

<sup>1</sup> *Extracts from the Penal Laws*, 1761, p. 247.

<sup>2</sup> Lee, p. 122.

<sup>3</sup> Courts Leet have long ceased to have any real jurisdiction, but they have not totally disappeared ; for instance, they are still held annually for the manors of Williton Regis, near Minehead, Somerset (see the *Observer*, October 15, 1933).



the citizen had to rely for protection at night. Poor, decrepit, old men chosen for this important task for the very English reason that in any case they would become a charge on the parish because of their infirmity, they were worse than useless ; worse, because they had much greater cause and much greater chances to be corrupt than the constables. In Westminster they numbered about three hundred ; three hundred aids, and not hindrances, to crime.<sup>1</sup>

The watchmen were paid a pittance, but the constables nothing until the Fieldings formed the Bow Street police force, and their only real inducement to serve zealously was the rewards payable on the conviction of a felon. This system was started in 1693, when it was enacted that anyone who secured the conviction of a highwayman was entitled to a reward of £40 and also the man's horse, arms and money (other than what he had stolen, of course). During the next fifty years similar measures were passed until there was a reward, varying from £10 to £40, for the conviction of most kinds of felons. In addition to the monetary reward, or as an alternative, a "Tyburn ticket" was sometimes granted. This was a certificate exempting the holder from all duties within the parish or ward wherein the felony was committed, and as it could be assigned to a third party it had a cash value varying from £15 to £30 according to the parish to which it applied.<sup>2</sup>

Whenever a series of particularly daring robberies were committed an additional price of £100 was placed on the heads of all criminals convicted during a certain period. The first supplementary reward of this kind was proclaimed in February, 1728, and applied to the "cities of London and Westminster, or within five miles round the same." About the middle of the century, when this special grant was again in force, it became the practise of places near London, such as Tottenham and Greenwich, for example, to offer an extra £20 or so for

<sup>1</sup> *Treatise on the Police of the Metropolis*, by Patrick Colquhoun, 1797, p. 215.

<sup>2</sup> Colquhoun's *Treatise*, pp. 202-203.

the conviction of highwaymen and footpads in their districts. Thus in the best circumstances (or the worst from the criminal's point of view), a Tottenham highwayman was worth £40 under the Act of 1693, plus £10 to be paid by the Hundred concerned under an Act of 1725, plus £100 under the proclamation, plus £20 offered by the people of Tottenham; a total of £170 in cash, besides the man's horse, furniture, arms and money. Of course, nearly always several people shared the reward; indeed, I do not suppose that a valuable criminal was ever taken single-handed, not only because *ipso facto* he was probably dangerous, but also because there were always plenty of people only too anxious to lend a hand when the tumult and the shouting had died, so that some of the spoil might be theirs.

It is strange that such an obviously unsatisfactory system was upheld so long, for it was not until 1818 that these rewards were abolished. The "Tyburn ticket" was made non-assignable by this Act, so that it lost its cash value, and was abolished eight years later. A few weeks before the Act of 1818 became law a "Tyburn ticket" was sold in Manchester for the exorbitant sum of £280 owing to its being the last one issued under the old regulation. I mention this because many reference books suggest that this was the sum for which the "tickets" commonly changed hands, as if Tom, Dick or Harry could possibly raise £280 to free himself from parochial duties.<sup>1</sup>

At best, this system led constables to overlook petty crime in the hope that a likely lad would soon tire of pilfering and begin to commit felonies; in the slang of the day, they waited until he "weighed forty pounds" (£40). At worst, it brought into existence gangs of self-appointed "thief-takers" who earned a good living by the simple expedient of prevailing upon some wretched "down-and-out" to commit a felony, whereupon they promptly captured him and claimed their reward. Jonathan Wild, upon whose life Henry Fielding based one of

<sup>1</sup> The statutes were 58 Geo. III, c. 70 and 7 Geo. IV, c. 64, s. 32. The sale at Manchester is noticed in the *Times*, March 25, 1818.



the finest satires in the language, was one of these blood-suckers, but he swung out of the world on May 24, 1725, long before our period, and it is his successor in this particular line, one Stephen McDaniel, who concerns us. When his villainies became known it was at once said that all the Bow Street men were like him, and for a time John Fielding was seriously embarrassed in his work.

At first sight the middle of the eighteenth century appears as a period of extreme lawlessness. In default of statistics comparable with those of modern times the historian has to rely on contemporary opinion, and this will lead him astray unless he bears in mind that it has always been the Englishman's habit to complain of a "crime wave" simply on the strength of one particularly bloody murder. As we have seen, the Statute of Winchester was passed in 1285 because "from day to day robberies, murders and arsons be more often used than they have been heretofore." Jumping four centuries, we find Evelyn complaining on November 24, 1699, that "such horrible robberies and murders were committed, as had not been known in this nation; atheism, profaneness, blasphemy, amongst all sorts, portended some judgment if not amended." Thirty years later according to Smollett, "thieves and robbers were now become more desperate and savage than they had ever appeared since mankind were civilized." Such statements must be viewed in the light of modern complaints in the same strain, which have seldom been confirmed by facts. During the winter of 1932-33, for example, there was much talk of motorists being held up by highwaymen, or "bandits" as for some reason thieves are now called. The poor wretch who ran out of petrol on a main road was left severely alone by other motorists, in case he, or even she, was the decoy of a gang of desperadoes. An enterprising firm brought out a special "anti-bandit truncheon" which, no doubt, had a great appeal for people who like to make believe that they are "living dangerously." The fact was that the "motor bandit" was "almost a myth," to quote

the words used by the Commissioner of Police for the Metropolis in his annual report for 1932, and this was confirmed by other reports from all over the country. The scare had been caused by a few wrongdoers who attempted to cover up their own dishonesty by swearing that they had been held up and robbed.

Until the Fieldings came to Bow Street people were content to buy back their stolen goods "and no questions asked," which made robbery a highly remunerative game. Highwaymen were seldom taken because proper hue and cry was not raised. Only the murderer was pursued with any energy. This tacit acknowledgment of the failure of the civil power caused criminals to become more daring and the public to grow more apprehensive. It is, indeed, surprising that the murky streets (for to install lights was one thing and to maintain them another) and the notoriously inefficient "Charley" did not combine to keep people within doors far more than was actually the case. Yet they were only "almost afraid" to go out at night; "you will hear little news from England, but of robberies; the numbers of disbanded soldiers and sailors have all taken to the road, or rather to the street; people are almost afraid of stirring after it is dark," said Horace Walpole, in a letter to Mann dated January 31, 1750.

This letter of Walpole's helps us to see how far it is reasonable to rely on general statements as to the prevalence of crime at this time. The period 1748-56 was one of depression, an uneasy breathing-space between the end of the war of the Austrian Succession and the beginning of the Seven Years War. An increase in crime was, therefore, according to precedent. Walpole was wrong, however, in blaming the disbanded soldiers and sailors; most of the criminals of the time were youths. The "news" that inspired his remark was the republication of the proclamation offering £100 reward for the arrest of felons, and it is an interesting commentary on the times that this action was taken because, in the words of the *Gentleman's Magazine*, "several persons of distinction had been, within a few days, robbed in



the streets.” One of these important people was Lady Albemarle, Walpole tells us ; she “was robbed the other night in Great Russell Street, by nine men : the King gave her a gold watch and chain the next day. She says : ‘the manner was all’—and indeed so it was, for I never saw a more frippery present ; especially considering how great a favourite she is. . . . The Monarch is never less generous than when he has a mind to be so.” It may be said, then, that while the republication of the proclamation had some reason behind it, it was based mainly on the fact that a court lady had been robbed, and is not, therefore, good evidence of the amount of crime.

But there can be no doubt that there was a very much higher percentage of thieves in the population in the eighteenth century than in our time, and a glance at the London that Henry Fielding knew will show us one of the several reasons for this. “The following account I have had from Mr. Welch, the High Constable of Holborn ; and none who know that gentleman will want any confirmation of the truth of it,” wrote Henry in his *Enquiry*. “‘That in the parish of St. Giles’s there are great numbers of houses set apart for the reception of idle persons and vagabonds, who have their lodgings there for twopence a night. That in the above parish, and in St. George, Bloomsbury, one woman alone occupies seven of these houses, all properly accommodated with miserable beds from the cellar to the garret for such twopenny lodgers. That in these beds, several of which are in the same room, men and women, often strangers to each other, lie promiscuously, the price of a double bed being no more than threepence, as an encouragement to them to lie together : That as these places are thus adapted to whoredom, so are they no less provided for drunkenness, gin being sold in them all at a penny a quartern ; so that the smallest sum of money serves for intoxication : That in the execution of search-warrants, Mr. Welch rarely finds less than twenty of these houses open for the receipt of all comers at the latest hours : That in one of these houses, and that

not a large one, he hath numbered 58 persons of both sexes, the stench of whom was so intolerable, that it compelled him in a very short time to quit the place.' Nay," continued Henry, "I can add, what I myself once saw in the parish of Shoreditch, where two little houses were emptied of near seventy men and women ; amongst whom was one of the prettiest girls I had ever seen, who had been carried off by an Irishman, to consummate her marriage on her wedding-night in a room where several others were in bed at the same time.

"If one considers the destruction of all morality, decency and modesty ; the swearing, whoredom and drunkenness which is eternally carrying on in these houses, on the one hand, and the excessive poverty and misery of most of the inhabitants on the other, it seems doubtful whether they are more the objects of detestation, or compassion : for such is the poverty of these wretches, that, upon searching all the above number, the money found upon all of them (except the bride, who, as I afterwards heard, had robbed her mistress), did not amount to one shilling ; and I have been credibly informed that a single loaf hath supplied a whole family with their provisions for a week. Lastly, if any of these miserable creatures fall sick (and it is almost a miracle that stench, vermin and want should ever suffer them to be well) they are turned out in the streets by their merciless host or hostess, where unless some parish officer of extraordinary charity relieves them, they are sure miserably to perish, with the addition of hunger and cold to their disease.

"This picture, which is taken from the life, will appear strange to many : for the evil here described is, I am confident, very little known, especially to those of the better sort. . . . Among other mischiefs attending this wretched nuisance, the greater increase of thieves must necessarily be one. The wonder in fact is, that we have not a thousand more robbers than we have ; indeed, that all these wretches are not thieves, must give us either a very high idea of their honesty, or a very mean one of their capacity and courage."



There is no infallible method of discovering the amount of criminality in the country at any given time, and what statistics there are for the eighteenth century are unreliable. But if we bear in mind that between 1841 and 1891 the number of commitments per 100,000 of the population dropped from 174.6 to 40, although the population practically doubled, we cannot doubt that in the eighteenth century crime was increasing at a greater rate than was the population. The remarkable decrease during the nineteenth century was, of course, largely due to the formation of the "new police."<sup>1</sup>

It must be remembered, however, that the criminal code of the eighteenth century prevented the problem of the ex-convict. Some 160 crimes were hanging matters, although in fact the death penalty was seldom exacted; in 1808 Sir Samuel Romilly proved that "of twenty persons condemned to die, only one suffers death"<sup>2</sup>: but the alternative sentence of transportation effectively got the convict out of the way, thereby making the task of the police easier than it is now. Returning from transportation was a capital offence, and one which the Sessions Papers show to have been rather more common than one would have expected; once the Bow Street "Criminal Record Office" was established returning from the colonies, or escaping before leaving England, was a risky business. But the vast majority of criminals were allowed only one series of flings at the law; convicted of a felony, their career was cut short for good and all. Thus of 240 men and women convicted at the Old Bailey in 1755 only 27 escaped with minor punishments such as branding or whipping; of the remainder, 174 were transported, most of them for a term of seven years, a few for fourteen years, or for life, and 39 were condemned to death, of whom, however, ten were afterwards pardoned and transported. In many cases the offence was a small theft which nowadays would be punished by a few months' imprisonment. In short, although the severity of the code reacted against the maintenance of law and

<sup>1</sup> Lee, pp. 336-337. <sup>2</sup> *Parliamentary Debates*, xi, p. 395 (May 18, 1808).

order, instead of promoting it, it did have the practical advantage of removing the habitual offender. Any discussion of the steps taken to solve the problems involved by the abolition of transportation in the middle of the last century would be quite out of place here ; it must be enough to say that for a time there was a very serious increase in crime.<sup>1</sup>

A word must be said about drunkenness and crime, for Henry Fielding has been represented as attributing the increase in serious crime to the excessive consumption of gin in the middle of the eighteenth century. In fact, in his *Enquiry* he emphasised that "the greatest evil of all" was the effect on the nation's health of the torrent of gin that was sweeping over the country, and prophesied that "should the drinking this poison be continued in its present height during the next twenty years, there will, by that time, be very few of the common people left to drink it." That he was fully justified in making this apparently sweeping statement is proved by the fact that during 1738-58 the number of births decreased by 40,000 as compared with the previous twenty years, while deaths increased by 12,000.<sup>2</sup>

This was the real menace of gin. Drunkenness leads to breaches of the peace, to cruelty and offences against decency, but does not necessarily promote those offences which form the bulk of crime. "Lord Salvesen, a former Senator of the College of Justice in Edinburgh, in a lecture on 'Problems of Drunkenness,' expressed the opinion that there was an undue exaggeration in the language of those who connected crime with drink. Speaking as one who had a very large experience in dealing with criminals, he said that deliberate crime, which was always the most serious from a moral point of view, was not generally associated with drink. An ex-officer of high rank in the English police service also in the same connection said: 'There is no relation between alcohol and crime in England, and when I say that, I mean serious crime, felonies, not misdemeanours ;

<sup>1</sup> See, for instance, Lee's chapter on "Police Statistics and Penology."

<sup>2</sup> *History of the XVIIIth Century*, by W. E. H. Lecky, 1892, ii, p. 223.



the offences that constitute real danger to society. It is the habitual criminal who wars with society. Our experience is that the habitual criminal does not drink.' ”<sup>1</sup> The fact that though drunkenness has declined precipitately within recent years, crime has not confirmed these statements. Henry Fielding showed remarkable foresight in concluding that the “dreadful consequence which must attend the poisonous quality of this pernicious liquor to the health, the strength, and the very being of numbers of His Majesty’s most useful subjects ” was far more serious a matter than the fact that some of the “wretches ” brought before him on charges of theft and robbery had apparently stolen in order to supply themselves with gin.

I have tried to outline very briefly the state of police, using that word in its widest sense, which the Fieldings found when they came to Bow Street. It will be seen that the main reason why the criminal had managed to gain the upper hand was because there was no effective organisation whatever to prevent and detect crime. In the next chapter we shall see how the brothers began to lay the foundations of Scotland Yard, and how soon it was that John, stone-blind though he was, was left to continue the work which Henry, a dying man, had begun. There is surely no parallel to the volume of energy which flowed from these young but terribly infirm reformers.

<sup>1</sup> “Intemperance and Crime in Scotland,” by Roderick Ross, Chief Constable, Edinburgh, in the *Police Journal*, January, 1929, pp. 109–120.

## CHAPTER IV

### “MR. FIELDING’S PEOPLE”

THE events which led to the formation of the first detective force in Great Britain may be best described in John Fielding’s own words. “About the latter end of the year 1753,” he wrote, “a most notorious gang of street-robbers, in number about fourteen, who divided themselves in parties, committed such daring robberies, and at the same time such barbarities, by cutting and wounding those they robbed, in every part of this metropolis, as spread a general alarm through the town, and deterred his Majesty’s subjects from passing and repassing on their occasions after night. These outrages induced his Majesty to issue a proclamation, and offer a hundred pounds reward for apprehending each of these violators of the public peace. And though this was humanely intended as a remedy for this dreadful evil, instead of answering the end proposed, it soon begat a greater, by inducing a set of villains to decoy unwary and ignorant wretches to commit robberies, and then to make a sacrifice of them for the sake of the reward; while the real offenders not only escaped justice, but increased their barbarities even to murder. Upon which his Grace the Duke of Newcastle sent to the late Henry Fielding to desire him to form some plan to bring these desperate villains to justice. A plan was immediately formed, approved of, and encouraged by his Grace, which being put in vigorous execution, very soon brought this gang to condign punishment. But it **did** not deter others from following the same wicked practices; and a fresh gang, as desperate, tho’ not so numerous as the former, soon made its appearance.

“About this time the late Henry Fielding’s want of



health totally disqualified him from continuing the fatiguing office of Acting Magistrate in this metropolis ; he therefore resigned the office to his brother John Fielding, who had been an assisting magistrate to him for three or four years.”<sup>1</sup>

Henry Fielding gave a similar account in his *Journal of a Voyage to Lisbon*. It was in August, 1753, when he was very ill, that the Duke of Newcastle, then Secretary of the Northern Department, summoned him. The visit gave him “a severe cold,” but he soon formed a plan for breaking the gang at a cost of £600 to the government. “After some weeks the money was paid at the Treasury” and the plan was successfully executed. Henry’s health then broke down completely ; “I therefore resigned the office, and the farther execution of my plan to my brother, who had long been my assistant.” This was in April, 1754.

As we have seen, John became a magistrate for Westminster on August 29, 1751, when he was in the throes of running the Universal Register Office. He appears to have heard his first case on September 8, when “Mr. Welch, High Constable,” brought the inmates of two brothels he had raided before “Barwell Smith, Richard Chamberlayne, and John Fielding, Esqres. at the house of Henry Fielding, Esq. in Bow Street.” Henry was then in search of health at Glastonbury. On October 9 he, as Chairman, introduced John to his fellow justices at the Westminster Sessions.<sup>2</sup> As time went on John took an increasingly large share of the business at Bow Street, owing to his brother’s failing health, and on January 15, 1754, he was sworn as justice of the peace for Middlesex, a position which entailed the possession of landed estate worth not less than £100 a year. John’s property consisted of six houses in Lamb’s Conduit Passage, Clerkenwell, and one house in Monmouth Street, St. Giles, now the section of

<sup>1</sup> *Account of the Origin and Effects of a Police set on foot by . . . the Duke of Newcastle in . . . 1753, upon a Plan presented . . . by the late Henry Fielding, 1758, and A Plan for Preventing Robberies, 1755.*

<sup>2</sup> *General Advertiser*, September 9, 1751 ; Middlesex Guildhall, *Sessions Book No. 1088*, October, 1751.

Shaftesbury Avenue between Cambridge Circus and Broad Street.<sup>1</sup> It was always Henry’s intention that John should succeed him,<sup>2</sup> and the Middlesex qualification, which enabled John to issue warrants from Bow Street which would be valid throughout the county without the backing of another magistrate, was obtained with this end in view. Eventually John’s jurisdiction was extended to cover Essex, Hertfordshire, Kent and Surrey, so that there should be no delay in the execution of his warrants.

It is now time for us to take stock of Saunders Welch, whom we have already met as a proprietor of the Universal Register Office. He was born at Aylesbury in 1711, and was therefore some three years younger than Henry Fielding and eleven years older than John. His people were paupers, and he was educated in the workhouse. When he was old enough he was apprenticed to a celebrated trunk-maker in London, one Clements, but he evidently tired of this trade, for we next hear of him as a grocer. His shop was on the south-west corner of Queen Street, Holborn, now Museum Street, which runs north from Oxford Street into Great Russell Street. He thus became a man of sufficient substance to be elected high constable of Holborn about 1747, the year before Henry became magistrate for Westminster.<sup>3</sup>

As high constable he was a very well-known character, for one of his duties was to accompany condemned criminals on their last journey, and to the crowds that lined the dreadful road from Newgate to Tyburn (Marble Arch) he was an unmistakeable figure as he rode by, a study in black and white : white horse, black clothes ; a heavily-powdered “nine-story, George II” wig with long curls flowing over his shoulders, surmounted by a high, three-cornered hat ; and in his hand a black baton tipped with silver at either end. About him were those friends who wished front places at Tyburn, for “to see

<sup>1</sup> Middlesex Guildhall, *Oaths taken by Justices*, 1750–63, p. 59.

<sup>2</sup> Boswell wrongly spoke of Saunders Welch as Henry Fielding’s successor (*Life of Johnson*, year 1778).

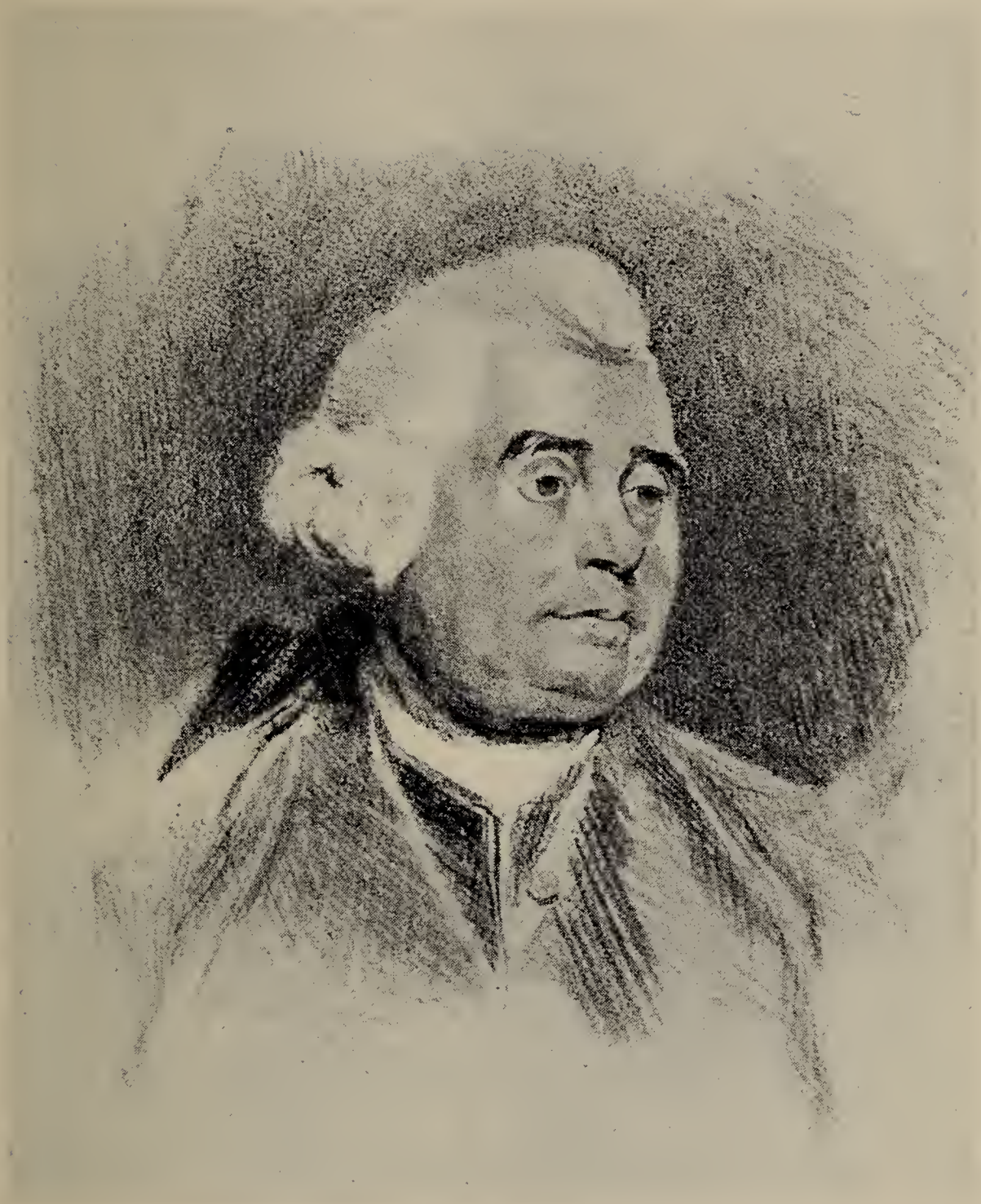
<sup>3</sup> *Observations on the Office of Constable*, by Saunders Welch, 1754 : “I have excuted the office of High Constable for near eight years.”



a man swing at the end of a string," or a woman for that matter, was one of the amusements of the politer world, as well as of the mob, until 1868. Powerfully-built, resolute but not unkindly in looks, Saunders Welch must have struck awe into many a heart on these occasions.

He was as brave as a lion and as agile as a Fairbanks. "Welch was a tall man, and when in the prime of life, robust and powerful. But though his benevolence was unbounded in cases of distress, yet whenever necessity urged him to firmness, he was bold and resolute. . . . When the streets were entirely paved with pebble-stones up to the houses, Hackney-men could drive their coaches close to the very doors. It happened that Mr. Welch had good information that a most notorious offender, who had for some time annoyed the Londoners in their walks through the green lanes to Marylebone, and who had eluded the chase of several of his men, was in a first-floor room of a house in Rose Street, Long Acre. After hiring the tallest hackney-coach he could select, he mounted the box with the coachman, and when he was close against the house, he ascended the roof of the coach, threw up the sash of a first-floor window, entered the room, and actually dragged the fellow from his bed, out of the window, naked as he was, upon the roof of the coach; and in that way carried the terror of the green lanes down New Street, and up St. Martin's Lane, amidst the huzzas of an immense throng which followed him to Litchfield Street."

This story, and many other details of Welch's life, are to be found in John ("Rainy Day") Smith's *Nollekens and His Times*, 1828. Saunders Welch was Nollekens's father-in-law; he was also the lifelong friend of Dr. Johnson. On October 27, 1739, long before he became high constable, he was elected a member of the famous "Sublime Society of Beef Steaks," founded in 1735 by John Rich, Hogarth and others. I shall have more to say of Saunders Welch; at this point I wish only to show something of the character of the man who was Henry Fielding's friend "whom I never think or speak of but with love and esteem."



SAUNDERS WELCH.

*(Sketched by Hogarth and engraved by Samuel Ireland, 1788.)*

*[To face page 50.]*





There were, then, working from Bow Street, ready to rid London of criminals as far as lay in their power, Henry Fielding, John Fielding and Saunders Welch. The plan approved by the Duke of Newcastle in the winter of 1753 may be summed up in John’s telling phrase; its main object was to “spirit up the civil power.” For the first time in the history of London a determined effort, backed by a proper organisation, was to be made to capture criminals.

Naturally the details of the plan were not published for some time; not until 1758, in fact, in the pamphlet by John already referred to. As it fell to him to execute it from April, 1754 onwards, and as he did not tell the story until 1758, I shall be anticipating events if in this chapter I do more than show how the first gang was broken, for this was all that Henry’s health allowed him to accomplish.

In the winter of 1749–50, the year after Henry took office, many robbers had been brought to justice by a band of constables under the stalwart Saunders Welch. After their year of office had expired, some of them, “being actuated by a truly public spirit against thieves and being encouraged by the said magistrate, continued their diligence and were always ready, on being summoned, to go in pursuit of villains.” Thus, when the Duke of Newcastle sent for Henry Fielding in 1753, there was a small but experienced force attached to Bow Street, ready to be sent into action under Saunders Welch. There were only six of them, all men of good character; “those persons who are entrusted with the execution of this plan, and are commonly styled thief-takers,” wrote John in 1755, “are all of them house-keepers, men of tried courage, picked from among the peace-officers; and moreover, the moment any one of them commits an act either of cruelty or injustice, he is immediately discharged by the magistrate from the office of thief-taker, and never admitted again.”

Both Henry and John were good masters, and did the best they could for their men. On January 15, 1751, for instance, the former recommended William Pentlow,



who had been particularly brave, to the Duke of Newcastle, as a man in "every way qualified" for the vacant post of keeper of the New Prison in Clerkenwell. Pentlow got the job, the Duke displacing his own favourite, who, as it happened, could not read or write. Then on December 6, 1753, Henry asked his friend Lord Hardwicke, the Lord Chancellor, to make Saunders Welch a Middlesex justice, and this was done in April, 1755. On January 3, 1754, William Sharpe, clerk to the Privy Council, informed Hugh Valence Jones, the Duke of Newcastle's secretary, that "Mr. Justice Fielding sent for me yesterday, and put into my hands the enclosed petition, to himself, from his six myrmidons, who are the instruments by which he proposes to destroy that hydra of villains with which our streets and roads are infested." The petition was a complaint against the Recorder of the Old Bailey, who, said the thief-takers, did not give them their fair share of the rewards payable on the conviction of a felon, but included persons who had not been directly responsible for the arrest. Henry was very much against these rewards, but as the system was in use he could not do otherwise than back his men up, and he told Sharpe that unless their grievance was removed "the scheme he was now upon would be entirely frustrated. There was another thing he complained much of, and desired I would mention from him to the Duke—viz. the too long delaying execution after condemnation." On January 15 Sharpe again wrote to Jones, and told him that the Attorney-General had upheld the Recorder's method of distributing rewards as being consistent with the general practise, so that there was nothing more to be said.<sup>1</sup>

However, Henry's thought for his men enabled John to state that "this encouragement of merit induced several constables and other persons to serve the public in the same way; and as soon as Mr. Fielding was able to put his plan into execution, whatever constables appeared

<sup>1</sup> For Henry Fielding's recommendations of Pentlow and Welch see Cross, ii, pp. 253-54 and iii, pp. 12-14. William Sharpe's letters are in the Public Record Office, *State Papers (Domestic)*, S.P. 36/125, ff. 4 and 22.

willing to go on these hazardous enterprises were employed, together with a set of brave fellows, who had before entered the list; to whose services the public is much indebted. . . . By this means, the acting-magistrate, besides having the whole civil power within his jurisdiction or command, can, every day upon notice given of any robbery, outrage, or other violence committed, call together a number of such brave and reputable men always ready to pursue and attack the most daring villain.” John did not exaggerate the risks; early in 1754, when a particularly desperate gang was broken up, one of the Bow Street men was killed, as also was one of the robbers.

It has been well said that “the activity and skill of this force began largely to alter the aspect of the contest between the professional thieves and the helpless public on which they preyed. They were the first peace-officers to make a serious study of the art of detecting and running down criminals; they were experts whereas all their predecessors had been amateurs; no longer dull officials performing routine duties in a perfunctory fashion when not otherwise engaged; but keen hunters with all their faculties stimulated by the prospect of monetary and other rewards.”<sup>1</sup>

From the beginning of 1749, within a few weeks of his taking office, Henry Fielding impressed upon the public the necessity of giving prompt information of crimes, and periodically announced in the press that all persons who had lately been robbed in such and such a district should attend his court to see if they could identify a thief who had just been captured,<sup>2</sup> while later on, in the *Covent Garden Journal* and the *Public Advertiser*, the public were asked to send immediate information of any robbery to “Henry Fielding, Esq. at his house in Bow Street, or John Fielding, Esq. at his house in the Strand.” By April, 1754, when Henry’s health forced him to leave London for the seclusion of his farm at Fordhook, Ealing, Bow Street was pretty well-known as the place to go if you had been robbed, whereas formerly the

<sup>1</sup> Jones, p. 149.

<sup>2</sup> e.g. *The General Advertiser*, February 20, 1749.



Londoner had been unable to take any effective action in such circumstances.

In June, 1754, Henry decided that he must seek a warmer climate. Lisbon was fixed upon; "it was not difficult to find a ship bound to a place with which we carry on so immense a trade. Accordingly, my brother soon informed me of the excellent accommodation for passengers, which were to be found on board a ship that was obliged to sail for Lisbon in three days. I eagerly embraced the offer, notwithstanding the shortness of the time; and having given my brother full power to contract for our passage, I began to prepare my family for the voyage with the utmost expedition." Thus Henry in his *Journal of a Voyage to Lisbon* (1755), which has justly been called one of the bravest books in the language.

The ship, which John undoubtedly found through the Universal Register Office, did not, however, sail to schedule, for its master, Captain Veal, was a typical man of the sea. Kept waiting some ten days, Henry at length embarked on June 26. He was too ill to walk, and getting him aboard was therefore no easy task; "however," he wrote, "by the assistance of my friend, Mr. Welch, whom I never think or speak of but with love and esteem, I conquered this difficulty." On June 30 the ship set sail from Rotherhithe, only to fetch up at Gravesend in the evening. After dinner the next day, Saunders Welch, who had remained on board, took leave of Henry and returned to London by post-chaise, and later in the day Veal began his leisurely progress to Lisbon, which he did not make until August 7.

Meanwhile John had moved into his brother's house in Bow Street.<sup>1</sup> Some time in July he received the first of several letters from him. It was dated July 12, 1754, from "On board the Queen of Portugal, Richd. Veal, at anchor on the Mother Bank, off Ryde":

Dear Jack, After receiving that agreeable lre.<sup>2</sup> from

<sup>1</sup> e.g. *Public Advertiser*, June 13, 1754.

<sup>2</sup> "Letter." J. H. Jesse, who first published this letter in his *Memoirs of Celebrated Etonians*, 1875, transcribed "lre" as £10, while Cross made it "livre."

Messrs. Fielding & Co., we weighed anchor on Monday morning and sailed from Deal to the westward, four days long but inconceivably pleasant passage brought us yesterday to an anchor on the Mother Bank, on the back of the Isle of Wight, where we had last night in safety the pleasure of hearing the winds roar over our heads in as violent a tempest as I have known, and where my only consideration were the fears which must possess any friend of ours (if there is happily any such), who really makes our well-being the object of his concern, especially if such friend should be totally inexperienced in sea affairs. I therefore beg that on the day you receive this Mrs. Daniel<sup>1</sup> may know that we are just risen from breakfast in health and spirits this twelfth instant at 9 in the morning. Our voyage hath proved fruitful in adventures, all which being to be written in the book you must postpone your curiosity. As the incidents which fall under your cognizance will possibly be consigned to oblivion, do give them to us as they pass. Tell your neighbour I am much obliged to him for recommending me to the care of a most able and experienced seaman to whom other captains seem to pay such deference that they attend and watch his motions and think themselves only safe when they act under his direction and example. Our ship in truth seems to give laws on the water with as much authority and superiority as you dispense laws to the public and examples to your brethren in Commission. Please to direct your answer to me on board as in the date, if gone to be returned, and then send it by the post and packet to Lisbon to

Your affectionate brother

H. FIELDING.

To John Fielding, Esq. at his house in  
Bow Street, Covent Garden, London.

The “agreeable letter from Messrs. Fielding & Co.” probably contained a dividend on his twenty shares in the concern. The penultimate sentence was, perhaps, a

<sup>1</sup> His mother-in-law.



sly dig at the tendency to pompousness which was John's worst fault.

The *Queen of Portugal* was weather-bound in Tor Bay during the week July 21-27, so that on July 22 Henry was able to write another letter to "dear Jack." I shall give only the first part, for the other half concerned the management of his farm at Fordhook, a matter which does not belong here :

Torr Bay, July 22, 1754.

Dear Jack, Soon after I had concluded my letter of business to Welch yesterday, we came to an anchor in this place, which our Capt. says is the best harbour in the world. I soon remembered the country and that it was in the midst of the South Hams a place famous for cyder and I think the best in England, in great preference to that of Herefordshire. Now as I recollect that you are a lover of this liquor when mixed with a proper number of Middlesex turnips, as you are of port wind<sup>1</sup> well mixed likewise, I thought you might for the sake of variety be pleased with once tasting what is pure and genuine, I have therefore purchased and paid for 2 Hdds of this cyder where they will be delivered in double casks to your order transmitted by any master of a coasting vessel that comes from London to these parts. You must send the very paper inclosed, that being the token of the delivery. The freight of both by a coaster of Devon or Cornwall will be 8 shillings only, which is I believe your whole expence. They stand me within a few shillings at £4, and the learned here are of opinion they are the finest of their kind, one being of the rougher the other of the sweeter taste. Welch will easily find almost every day one of these coasters in London, which the uncertainty of our stay here and the hurry which every veering of the wind puts us in prevents my providing here. It will be fit for drinking or bottling a month after it hath lain in your vault. I have consigned it in the following manner. Half a hdd to yourself,

<sup>1</sup> "Wind": a vulgarism for "wine" which amused Henry Fielding. He wrote of it in his *Voyage to Lisbon*, where he also mentioned the adulteration of "vinum pomonae" with turnip juice.

half to Welch, half to Hunter and half to Millar, and I wish you merry over it. In your last, there is only one paragraph which I wish better explained. *If Boor be trusty*. Pray let me know any shadow of a doubt; for the very supposition gives me much uneasiness. . . .

Your affectionate brother,  
H. FIELDING.

All our loves to my sister.<sup>1</sup>

It was typical of Henry to think of sending the good things of Devonshire to his friends in London, who had normally to content themselves with liquor adulterated with turnip juice. Of the people who were to share the two hogsheads of cyder, Hunter was Dr. William Hunter, the famous surgeon, who treated Henry, and Millar was Andrew Millar, his publisher. Boor, whose trustworthiness John doubted, was bailiff of the farm at Fordhook.

On August 7 Henry at last set foot in Lisbon. One letter written to John from there has survived in part; it was undated, and apparently written on several days. It is so disjointed (one whole sheet is missing, and parts are illegible) that the matter of particular interest to us is best summarised. Henry wrote of himself as “the idlest man in the world” writing “to the busiest,” and mentioned that he had received two letters from John and one from Welch, but had not seen “a letter of business” from the former, which he expected. “Perhaps it is lost, as if it came by a merchant ship it easily may, for the captains of these ships pay no regard to any but merchants. . . . The truth is that captains are all the greatest scoundrels in the world, but Veale is the greatest of them all. This I did not find out till the day before he sailed, which will explain many things when you see him, as perhaps you may, for he is likewise a madman, which I knew long before I reached Lisbon.” . . . “In answer to yours,” continued Henry, “if you cannot answer . . . yourself, I will assure you once

<sup>1</sup> Dobson, *National Review*, August, 1911, pp. 985–86; Cross, iii, pp. 41–43.



for all I highly approve and thank you, as I am convinced I always shall when you act for me. I desire therefore you will always exert unlimited power on these occasions."

The next part of the letter concerns domestic affairs; apparently Henry was broke until a bill arrived from John. He went on to ask his brother to send out to Lisbon "a conversible man to be my companion in an evening, with as much of the qualifications of learning, sense, and good humour as you can find, who will drink a moderate glass in an evening or will at least sit with me till one when I do." He then referred to presents that he had sent back to England by Captain Veal; half-chests of onions to John, Mrs. Daniel, Millar, Welch, and Peter Taylor, of whom little is known. He added: "I will in November, which is the right season, send you some orange trees as you desire, lemons, and some wine, port or Lisbon, which you like best." More domestic details followed; he wanted clothes and "a very good perfect cook" sent out to him. "Scrape together all the money of mine you can," he urged, "and do not pay a farthing without my orders. My affairs will soon be in a fine posture, for I can live here, and even make a figure for almost nothing. . . . What is imported from abroad is extravagantly dear, especially what comes from England as doth almost all the provision of Lisbon. I must have from Fordhook likewise 4 hams, a very fine hog fatted as soon as may be and being cut into flitches sent me, likewise a young hog made into pork and salted and pickled in a tub. A vast large Cheshire cheese and one of Stilton if to be had good and mild. I thank Welch for his, but he was cheated; God bless you and yours, H. Fielding."<sup>1</sup>

Thus ends our last full view of one of the greatest Englishmen that has ever lived. On October 8, 1754, he died, and was buried in the British cemetery at Lisbon. He was in his forty-eighth year.

<sup>1</sup> This letter, formerly in the possession of the late Mr. George Fielding, was published by Austin Dobson in the *National Review*, August, 1911, and in *At Prior Park*, 1912, pp. 139-48. Certain passages omitted by Dobson were given to Professor Cross by Mr. J. Paul de Castro. See Cross, iii, pp. 52-58.

His widow and his daughter Sophia returned to England soon afterwards. By his will, proved on November 14, 1754, his small estate was to be converted into annuities for his wife, his daughters Harriet and Sophia, and his sons William and Allen. His twenty shares in the Universal Register Office went to his wife and daughters, ten to the former, seven to Harriet and three to Sophia.

Ralph Allen of Prior Park, Bath, was named as executor, but in fact he renounced this when probate was granted, and John duly took his place.<sup>1</sup> Henry’s trust in his brother was not misplaced. John’s first action was to sell the considerable library which Henry had collected, the sum of £364 7s. 1d. (“or about £100 more than the public gave in 1785 for the books of Johnson”)<sup>2</sup> thus being raised for the heirs in February, 1755. He also edited the journal kept by Henry during his voyage to Lisbon. An unrevised version was also published, but this is a matter that cannot be gone into here. The forthcoming publication of the *Journal of a Voyage to Lisbon*, to be sold for the benefit of Henry’s wife and children, was announced early in February, 1755, and on the 25th of the month the book duly appeared. The day before, John sent a note, signed “Your affectionate friend and humble servant, John Fielding,” to the Rev. Dr. Birch (1705–66), the historian and secretary of the Royal Society, asking him to “assist this little volume by your recommendation through the *beau monde*.”<sup>3</sup>

Meanwhile he had taken Henry’s family and sister under his wing, and was providing for them to the best of his modest resources. As his own affairs improved, so did he increase his allowances to his dependants. There is considerable evidence of his generosity in this respect. For a long time it was thought that Ralph Allen assumed the burden, but although he contributed to the education of the young Fieldings, as also did Andrew Millar, the main responsibility for their welfare

<sup>1</sup> Principal Registry of the Probate, etc., Division of the High Court of Justice: Prerogative Court of Canterbury, November, 1754; Miss Godden, p. 309.

<sup>2</sup> Dobson, p. 213.

<sup>3</sup> British Museum: *Sloane MSS*: 4307, f. 271.



was gladly borne by John. Some time in 1756, Henry's widow applied to Lord Barrington, then Secretary of State for War, for a pension, although she had no grounds for so doing. John referred to this irregular application, which had been made without his knowledge, in a letter, dated December 16, 1756, to Lord Barrington. The first part of this letter I shall quote in due course ; about his dependants John said : " When my brother died he left little more than would answer his just debts, and left a widow and four children, one of which is since dead. This family I have taken to myself and hope from my own labours so long as I live to support them handsomely, and I do assure your Lordship that the tenderest regard is paid to their healths, the exactest care taken of their educations, and the most unwearied diligence used by me to make her forget the loss of a husband, them of a father, nor has she or them been denied one earthly thing in my power since my brother's death, but on the contrary I have told her, her friends and all my acquaintance that so long as I have one shilling in the world they shall have the same share of it as if she was my own wife, they my own children. Doubtless as life is precarious and as their subsistence depends on mine it would make me very happy if she could obtain some certain establishment for her own life, but should be glad to be acquainted with the nature of her applications. I hope your Lordship will excuse this little piece of family history. . . ."<sup>1</sup>

John was not boasting of his own generosity, but making it clear that he had assumed responsibility for the family, and was to be blamed if they were not properly looked after. It was Sophia, born on January 21, 1750, who had died, leaving John to provide for Harriet, William and Allen and, of course, Mrs. Fielding and Henry's sister Sarah, as well as his own wife and her adopted daughter. This he did out of his main source of income, the pension of £400 a year paid him as magis-

<sup>1</sup> Public Record Office : War Office Papers : *Letters, Miscellaneous* (A-L), 1758, W.O. 1/976, f. 507. The correct date is December 16, 1756, as above. First published (in part) in the *Athenaeum*, November 25, 1905. See Cross, iii, pp. 116-17.

trate, for which, as we shall see, he had to ask twice a year when the instalment fell due. On September 29, 1757, in writing to the Duke of Newcastle for his half-yearly £200, he begged to be excused for “applying thus early for this money, as I allow my late brother’s widow and children one hundred pounds a year out of my salary, payable quarterly.”<sup>1</sup> At this time William was at Eton, which he entered as a King’s Scholar on May 17, 1757, staying four years.<sup>2</sup>

As time went on John increased these payments. The following entry, undated but evidently made in 1761, in a private manuscript book belonging to John, has been seen by Mr. J. Paul de Castro, to whom I am indebted for a copy :

To the widow pr. ann. . . . .	£60
To the educating Wm. at Eaton School . . . .	£40
To the educating Allen at Mr. Skelton’s school at War-	
field . . . . .	£20
To Harriet’s clothes and maintenance . . . .	£40
To Sarah, sister of the said Henry . . . . .	£20

It will be seen that these payments totalled £180.

In 1762 Allen went to Charterhouse as a “gown-boy,” his kinsman the Earl of Bute, one of the governors of the school, nominating him.<sup>3</sup> John still paid £20 a year on his account, according to one of his letters to Grenville, dated November 1, 1763, which I shall quote in due course. In 1761, William Fielding, then in his sixteenth year, left Eton and went to sea, receiving an allowance of £30 from his uncle. We next hear of him as a Westminster Justice, a position which he probably held as early as 1769, when he came of age.<sup>4</sup> Reversing his father’s career, after becoming a magistrate he entered the Middle Temple and was called to the Bar in 1776, subsequently joining the Western Circuit. In 1808 he

<sup>1</sup> British Museum : *Additional MSS.*, 32,874, f. 379.

<sup>2</sup> *Eton College Register*, 1753–90, edited by R. A. Austen-Leigh, 1921.

<sup>3</sup> S.P. : *King’s Letter Book*, 1688–1776, April 12, 1762.

<sup>4</sup> In evidence before the Select Committee on the Police of the Metropolis, 1816, William Fielding said : “I am a very old magistrate for Westminster ; I have been near fifty years in the Commission,” i.e. he became a magistrate some time after 1766.



was sworn as a magistrate for Middlesex, and presided over the court in Queen Square (now Queen Anne's Gate) until his death on October 1, 1820. He left a widow and a son, William Henry, who did not long survive him.

A word may be said here about the careers of John's other dependants. Sarah Fielding, Henry's sister, has her place in the *Dictionary of National Biography* as the author of the *Adventures of David Simple* (1744), the best known of her works. She lived mostly at Bath, where she died on April 9, 1768. Among those who added to the modest allowance that John was able to pay her was Mrs. Elizabeth Montagu, the "Queen of the Blue-stockings."<sup>1</sup>

Harriet, the only child of Henry's first marriage to reach maturity, was for a time companion to the infamous Miss Chudleigh; this, Thomas Whitehead, of whom more presently, tells us. At the Duke of Kingston's house in Surrey she met a Colonel James Montessor whom she married on August 25, 1766. Four months later, although only some thirty-eight years old, she died; she had long been "the colour of a ghost—a mere skeleton," to use Whitehead's phrase.

Allen, the youngest child of Henry's second marriage, born in 1754, went to Christ Church, Oxford, after Charterhouse, and then entered the church. As I have said, he married John's adopted niece, Mary Anne Whittingham, and through their children this branch of the Fielding family has survived. I shall have more to say of Allen and his pretty wife.

<sup>1</sup> *Mrs. Montagu*, edited by Reginald Blunt, 1923, i, pp. 158, 166.

## CHAPTER V

### “ MCDANIEL AND HIS CREW ”

“ So far are men from being animated with the hopes of public praise to apprehend a felon, that they are even discouraged by the fear of shame. The person of the informer is in fact more odious than that of the felon himself ; and the thief-catcher is in danger of worse treatment from the populace than the thief,” wrote Henry Fielding in his *Enquiry* (1751). There is now far less sympathy shown to the under-dog, or rather to the person whom the public, in its wisdom, has decided is the under-dog ; but it is still possible for a crowd of sport-loving Englishmen contentedly to watch two or three men assaulting one constable.

John Fielding, however, had not only to cope with the Englishman's instinctive dislike of police (a curious trait in the character of a nation which is essentially constitutional) ; he had also to convince the public that it did not follow that because one particular set of self-appointed thief-takers were villains of the blackest hue, all were tarred with the same brush.

“ McDaniel and his crew,” as John Fielding called them, consisted of Stephen McDaniel, who, failing as publican, turned Marshalsea bailiff and then thief-taker ; John Berry, also a professional thief-taker ; James Egan, a shoe-maker and receiver of stolen goods ; James Salmon, a breeches-maker ; and Thomas Blee, who acted as “ odd man ” to Berry.

I have already summarised the system of rewarding the captors of criminals. These five men lived simply on the money they made from convicting men whom they themselves had persuaded into becoming robbers. How long they carried on this diabolical trade, and how



many innocent persons they sent to the gallows, were never clearly established; Joseph Cox, the cause of their downfall, traced their activities back to 1740, and suggested that their victims numbered at least sixteen, perhaps many more.

The story of their downfall begins early in 1754. On February 4 of that year, a wretched lad named Joshua Kidden was executed for a highway robbery which he never committed, the gang receiving £40 for swearing away his life. By July the conspirators were again short of money, and McDaniel, Berry and Blee met to discuss ways and means. They did not take long to come to a decision. "Money grows scarce, Tom," said McDaniel to Blee. "You must give a sharp look-out for a couple to go on the scamp,<sup>1</sup> and if you can't get two, you must get one."

Blee, who was the gang's decoy-duck, protested that he had not liked the Kidden affair, and would not be concerned in another case of that kind.

"Damn your eyes!" roared McDaniel, "if you don't do it it'll be the worse for you."

This threat prevailed, and Blee consented to finding a couple of likely lads. It was decided that the robbery should be staged near Deptford, for the people of Greenwich had offered a reward over and above that laid down by law for the conviction of footpads and highwaymen. Egan was to act as "fence," and Salmon was to be robbed. His property, which was to consist of two pairs of leather breeches, a handkerchief, a tobacco-box and a metal token, was to be specially marked so that it could be identified beyond doubt when the time came.

Blee soon picked his victims, two youngsters named Peter Kelly and John Ellis whom he knew were pick-pockets. At the cost of a few ha'porths of gin he won their friendship, and persuaded them to go with him to Deptford where he knew of "a brave parcel of lullies"<sup>2</sup>

<sup>1</sup> "Go on the scamp" = "commit highway robberies." All the conversations here recorded were actually given in evidence.

<sup>2</sup> "A brave parcel of lullies" = "A valuable parcel of linen."

they could easily steal. When the gang heard of his success, Monday, July 29, was fixed for the robbery, and Blee was given five shillings to flash before the boys as evidence of his success as a thief. Two shillings and a sixpence were put in Salmon's tobacco-box as a further inducement to the boys to rob him.

On the Monday, Blee set out for Deptford with his victims. They called at so many inns on the way that by midday the boys were almost drunk, and the three lay down in the fields and slept until evening, Blee seeing to it that they arrived at Deptford about an hour before dusk. There they went straight to the Ship Inn and called for more drink. As they sat waiting, as the boys thought, for it to grow dark enough to steal the “lullies,” Salmon came in, carrying two fine pairs of breeches under his arm. Affecting not to recognise Blee he called for a drink.

“There's that old blood of a bitch, the breeches-maker in Shoe Lane,” whispered Kelly to his companions. “His son and I have been picking of pockets together many a time.”

“Never mind that—what's that to us?” replied Blee casually.

Presently Salmon joined the party, and addressing Blee as a complete stranger talked idly of being on his way into London. After a few minutes' conversation he finished his drink and left the inn.

He had not been gone long when Blee suggested to the boys that they should take a walk until the time came to steal the “lullies.” Kelly and Ellis agreed, and the three sauntered along the London road. It was now after nightfall, and the moon shone brightly.

They walked on till they came to the four-mile stone, by which they saw a man resting. “Damn me!” exclaimed Kelly, “there's the old breeches-maker. He's suckey<sup>1</sup>—let's scamp him!” Approaching Salmon he cried: “God damn you! What have you got there?”

“Gentlemen, take what I've got, don't use me ill,”

<sup>1</sup> “Suckey” = “drunk.”



whined Salmon in feigned terror, giving the breeches to Blee, who handed them to Kelly.

“What money have you got?” demanded Blee.

“Here, gentlemen, what money I’ve got is in my left-hand waistcoat pocket, in a tobacco-box,” moaned Salmon.

Kelly took the box and also a clasp-knife, and then the three made off as fast as they could to a lodging-house in Kent Street, where Blee had arranged accommodation on their way out of London. There they spent the rest of the night.

Early the next morning Blee took the boys to the Black Spread-Eagle Inn, and, saying that he would buy them some breakfast, went out again. He made straight for another inn in the same street where, according to arrangement, he met his confederates. He returned with Egan to the Spread-Eagle, stopping on the way to buy some liver for breakfast as he had promised the boys. Egan preceded him into the inn and called for a pint of beer. Blee arrived with the liver a few minutes later, and began to cut it up. As he did so he glanced at Egan.

“That man deals in Rag-Fair,”<sup>1</sup> he whispered to Kelly. “Maybe he’ll buy the breeches. Shall I ask him?”

Eager to turn their spoils into hard cash the boys readily agreed.

“Master,” said Blee to Egan, “will you buy some leather breeches?”

“Let me look at ’em,” replied Egan. “If you and I can agree, I’ll buy ’em.” Examining the breeches he asked what Blee wanted for them. He was told six shillings, but his offer of five was accepted at once. Giving Kelly a shilling earnest, he told him he would leave the breeches in his care while he raised the remaining four shillings.

“My friend, will you eat a bit of liver and bacon before you go?” invited Blee.

“I don’t mind if I do,” answered Egan, resuming his

<sup>1</sup> Rag-Fair; Rosemary Lane, Little Tower Hill, E.C.

seat by the fire. “Landlord!” he shouted, “let’s have a ha’porth of tobacco! God bless me!” he added, fumbling in his pockets, “I don’t know what I’ll do—I’ve lost my tobacco-box.”

“Let’s sell him the box—maybe he’ll buy it,” whispered Blee to Kelly.

“No, let’s ding it,”<sup>1</sup> suggested Kelly. “It’s such a remarkable one, maybe it may be known.” And, indeed, Salmon’s tobacco-box was of a most unusual type, so much so that anyone who handled it could hardly fail to remember it. But Blee prevailed upon the lad to offer Egan the box, and after some argument it changed hands for a quart of twopenny ale. Egan then finished his breakfast and left, ostensibly to find the price of the breeches. Blee spent some time playing cards with the boys, and then went out with the excuse that he was going to be shaved. Kelly and Ellis waited patiently for Egan’s return.

Some two hours or so had passed since Egan’s departure when suddenly McDaniel strode into the Spread-Eagle, and with a cry of: “Come out, you blackguard dog!” seized the terrified Kelly by the arm. A drummer who happened to be drinking in the inn at the time protested at this ill-treatment, but McDaniel told him he was a peace-officer; he had a warrant for the arrest of the boys, and it was the drummer’s duty to help him. Accordingly the drummer and McDaniel took the lads before a magistrate, who forthwith committed them to Maidstone Gaol. After making certain that he had been given due credit for their arrest, McDaniel handed his victims over to the local constables, at the head of whom was Joseph Cox, high constable of the Hundred of Blackheath.

Naturally the boys told the constables Blee had aided them in the robbery. This was an eventuality for which the gang was fully prepared. Not only had Blee been careful from the outset not to let the boys discover where he lived, but it was also clearly understood that if the decoy-duck was unlucky enough to be arrested, the

<sup>1</sup> “Ding it” = “Throw it away.”



prosecutor (in this case Salmon) was to swear that the victims were lying, and that they alone had robbed him. This plan had worked successfully in the past, and would have succeeded once more but for the initiative of Joseph Cox.

Having no suspicions that the affair was anything but a real robbery, Cox went up to London in search of Blee. He made straight for Salmon's house to confirm the boys' statement, and although Salmon seemed very much troubled at the news that Blee was sought, Cox still had no inkling of the truth.

He had almost given up his quest when by chance he went into a public-house on Saffron Hill, and for the hundredth time that day made inquiries after Blee. To his amazement, for he had long ceased to hope for anything but a negative answer, the landlord of the inn said he knew Blee ; he lodged with McDaniel in Holborn, and the two were often about together. In an instant the whole truth dawned on Cox. That Blee and McDaniel were known to each other could only mean that the charge against Kelly and Ellis was a put-up job. To arrest Blee was clearly the first step, and with other constables Cox resolutely maintained his search. Early on the morning of August 9 Blee fell into their hands, and with a willingness which would doubtless have surprised his confederates agreed to turn King's Evidence.

Obtaining warrants against McDaniel, Berry, Egan and Salmon, Cox and his men attended Maidstone Assizes on August 15, the date fixed for the trial of Kelly and Ellis. The gang duly told their lying tale, the judge summed up, and the foreman returned the jury's verdict of guilty. Hardly were the words out of his mouth when the constables pounced on the gang, and with a commendable lack of fuss took them straight from court to gaol to await their trial on a charge of being accessories before a felony committed by Peter Kelly and John Ellis.

The evidence took some time to collect, and it was not until March 1, 1755, that McDaniel and his confederates appeared at the Old Bailey. The principal witness

against them was Thomas Blee. The jury found them guilty of all the facts alleged against them, but could not decide whether this amounted to being guilty of commanding or aiding and abetting Kelly and Ellis to commit the robbery, for only Blee was known to have spoken with the lads in this connection. They therefore left this knotty point to the judges to decide.

A special court of twelve judges heard the legal arguments, which were of great length. In December, 1755, the court came to the conclusion “that all the prisoners have been guilty of a most wicked and detestable conspiracy, to render a very salutary law subservient to their vile, corrupt views. But great as their offence is, it doth not amount to felony. And therefore the judgment of the court is, that they be all discharged of this indictment.”

But McDaniel and his crew were not to be allowed to escape. They were further indicted for conspiring that Thomas Blee should procure two persons to commit a robbery. The case was heard in the following February, and this time all four were found guilty. Each was sentenced to seven years’ imprisonment, and to be set in the pillory twice.

On March 5, 1756, McDaniel and Berry stood for the first time in the pillory, near Hatton Garden. So violent was the mob that the prisoners had to be rescued by their warders. Three days later Egan and Salmon underwent the same punishment at Smithfield. On this occasion the warders were too late; Egan was struck dead by a stone some thirty minutes after he was set in the pillory, and Salmon so severely injured that he died later in Newgate. This being the temper of the mob, McDaniel and Berry were not pilloried again. In June, 1756, they, and an accomplice named Mary Jones, were tried for the murder of Joshua Kidden by procuring his execution. They were found guilty of the facts, but were discharged, the Attorney-General refusing to argue the intricate point of law involved. McDaniel and Berry, of course, went back to Newgate to finish their sentences; the former apparently lived to procure



his transportation to India as a soldier, the latter died in prison in February, 1762.<sup>1</sup>

That, in brief, was the story of McDaniel. It is not surprising to find that as soon as his villainies became known he was said to be one of John Fielding's men. Thus on March 5, 1755, a few days after the gang's first appearance at the Old Bailey, John Fielding found it necessary to publish the following notice in the *Public Advertiser*: "Whereas there are a body of honest and faithful men, commonly called Thief-takers, who have been employed for several years by the late Henry Fielding, Esq.; and the present Mr. Fielding, which said thief-takers have, by their great diligence and bravery, broke, apprehended, and brought to justice some of the most desperate gangs of street-robbers that ever existed, to the great hazard of their lives, they having been wounded at different times, and one of them having lately lost his arm, which in all probability will cost him his life; it was thought proper at this juncture to distinguish these persons who have real merit, to the Public, from that set of wretches, Stephen M'Donald (*sic*), John Berry, etc., who by assuming the character of thief-takers, have not only brought that employment, which, when not abused, is a very laudable one, into disrepute; but have committed the most horrid abuses on the public that ever were heard of; and it must be observed that this most wicked gang never were employed by any magistrate as thief-takers." He then went on to say that his "plan for preventing robberies within twenty miles of London" would help to remove the temptation to which the false thief-takers had succumbed.

The pamphlet describing the plan was published soon afterwards, and in it John gave "An Account of the Rise and Establishment of the Real Thief-takers." "The perjuries of McDaniel and his crew having raised a

<sup>1</sup> Sources: Howell's *State Trials*, 1813, Vol. 19, pp. 746-814; *The Newgate Calendar*, 1773, Vol. IV, pp. 318-22 and 358-69; *A Faithful Narrative of the most Wicked and Inhuman Transactions of that Bloody-Minded Gang of Thief-takers, alias Thief-makers, MacDaniel, Berry, etc.*, by Joseph Cox (June), 1756.

According to *The Newgate Calendar* McDaniel died in prison, but Howell stated that after serving his sentence he went to India as a soldier.

strong prepossession against thief-takers in general,” he reasserted that none of them had ever been employed by Henry Fielding. Moreover, he remembered that “some years ago” McDaniel had come to Bow Street with two men whom he alleged had robbed and wounded him, but Henry Fielding had “conceived so ill an opinion of the prosecutor in the course of his examination, that the prisoners, though charged with a capital offence, were both admitted to bail . . . and were afterwards acquitted at the Old Bailey.”

Further, Thomas Blee had come to Bow Street soon after the proclamation offering £100 extra reward was re-issued in 1750, and alleged that McDaniel and the others had recently obtained £280 by convicting two innocent men. Blee confessed he gave this information because McDaniel “had used him ill,” and Henry Fielding formed such a bad opinion of him and his accomplices, “that he ordered the former to be turned out of his house, and would have nothing to do with the latter. But when he laid his plan to prevent robberies before the right honourable the Privy Council, he gave the wickedness of this particular set of men as a reason against the publishing any future rewards, by way of proclamation, for the apprehending of thieves, in order to take away from these wretches their only temptation to perjury and murder. Indeed it was owing to this representation, that these kind of rewards have not been published since, except in one instance only.”

The idea that McDaniel was a Bow Street man died hard, and was even revived by the late Sir Leslie Stephen in his biographical introduction to his edition of Fielding's works published in 1882. There he gave the name of the novelist's second wife as “MacDaniel,” and from this conjectured “that possibly Fielding may have been giving employment to some of his wife's poor relations.” Sir Leslie Stephen could not have been guilty of this “outrageous performance” (as Professor Cross has justly called it) had he read John's statements in this connection, or had he known that the second Mrs. Fielding's maiden name was indisputably Mary Daniel.



## CHAPTER VI

### THE PLAN EXTENDED

“WE have lately seen the salutary effects of a new kind of police, established by a useful magistrate in the city of London, by which the reigning evil of street-robberies hath been almost wholly suppressed,” wrote Canon John Brown in his once famous *Estimate of the Times* (1757). This was an important tribute to the Fieldings, for, as Cowper sang in *Table Talk* :

Th’ inestimable estimate of Brown  
Rose like a paper kite and charmed the town.

Brown did not exaggerate ; there was actually a maiden sessions at the Old Bailey in January, 1757, which was, remarked the *Gentleman’s Magazine*, “a thing hardly known at this season of the year.”<sup>1</sup>

From October 17, 1754, onwards, an advertisement in the following form (John occasionally changed the wording) appeared regularly in the *Public Advertiser* :

“WHEREAS many thieves and robbers daily escape justice for want of immediate pursuit, it is therefore recommended to all persons, who shall henceforth be robbed on the highway or in the streets, or whose shops or houses shall be broke open, that they give immediate notice thereof, together with as accurate description of the offenders as possible, to JOHN FIELDING, Esq ; at his house in Bow Street, Covent Garden : By which means, joined to an advertisement, containing an account of the things lost (which is also taken in there) thieves and robbers will seldom escape ; as most of the principal pawnbrokers take in this paper, and by the intelligence

<sup>1</sup> *Gentleman’s Magazine*, January, 1757, p. 43.

they get from it assist daily in discovering and apprehending rogues.

And if they would send a special messenger on these occasions, Mr. Fielding would not only pay that messenger for his trouble, but would immediately dispatch a set of brave fellows in pursuit, who have been long engaged for such purposes, and are always ready to set out to any part of this town or kingdom, on a quarter of an hour's notice.

It is to be hoped, that the late success of this plan will make all persons for the future industrious to give the earliest notice possible of all robberies and robbers whatever."

For this long advertisement the *Advertiser* charged four shillings an insertion.

Early in 1755 he published his *Plan for preventing Robberies within twenty miles of London*, already referred to.<sup>1</sup> It was aimed entirely against the highwaymen, whom John, being a working policeman, did not regard in any romantic light. "What cowardice to attack ladies, and unarmed persons, with pistols at their heads," he proclaimed in the *Public Advertiser* of June 18, 1756; "'tis wonderful to find an Englishman capable of such folly and such baseness; happy indeed would it be for them, and pleasing to the public, if such reflections as these, or any other, could make the vigilance of the peace officers, on this occasion, unnecessary; for preventing offences is not only a more agreeable office to the magistrate, but a more useful one to the public, than punishing of offenders."

The cardinal rule of detective work, said John, in his pamphlet of 1755, was "quick notice and sudden pursuit." If the public did their part, he was prepared immediately to send out his "brave fellows," the ancestors of the present-day flying-squad, whose wireless-equipped cars are the concrete expression of John's rule.

<sup>1</sup> It was printed by William Strahan and published by Andrew Millar. Mr. de Castro informs me that Strahan's original ledgers show that 2,000 copies were circulated.



As it was, not one highwayman in a hundred was taken. "Were there any possibility of these pages living longer than an advertisement, I am afraid I should hardly be believed in the following true story ; but luckily for me, the chief actor in the scene is now alive. A Captain of the Guards was some time ago robbed on Hounslow Heath in a post-chaise, and the moment the highwayman left him, disengaged one of the horses, and pursued the robber ; and who will believe it ? though he drove him through a public town at noon-day, crying out ' highwayman ! highwayman ! ' both being in full view of the populace, yet no one joined the pursuit, more than if all the inhabitants had been interested in the highwayman's escape." This failure to put the law of hue and cry into execution was the main cause of the highwayman's dominance.

The plan was for private people living within a radius of twenty miles of London to subscribe two guineas each to one of their number appointed treasurer, instead of supporting funds for increasing the rewards payable on the conviction of robbers. Immediately a highway robbery was committed full particulars were to be sent by mounted messenger to John, who was to be given authority to advertise the affair as he thought fit, charging the advertisements to the fund. The messenger was also to warn all inns and turnpikes on his road to keep a look out for the robber, and was to be paid for his trouble when he returned with a certificate signed by John that he had done his duty. " It has often happened to my brother and myself," wrote John, " that by bestowing a shilling or half a crown on a messenger, without which he would not have stirred one step, more service has been done to the public than has accrued from advertising rewards of an hundred pounds."

This was the gist of his " plain and trifling " plan, as he called it. He also advised pawnbrokers to show more care in accepting pledges, and innkeepers and stablekeepers in hiring out horses, and recommended them to take in the *Public Advertiser*, where robberies were regularly advertised,

In order to forestall "the ingenious critics of this very critical age" John added a postscript to his pamphlet, raising and answering certain obvious objections to his plan. Of these the most important was the question: "I suppose the author's interest is much concerned in the success of the *Public Advertiser*, otherwise he would not recommend it so strongly?" John answered that he had no share in the paper, though his brother had. He recommended it simply because the pawnbrokers and publicans had agreed to take it in, as it was generally recognised as the medium for advertising robberies. Moreover, added John, the managers of the *Public Advertiser* had agreed to leave space up to a late hour for the inclusion of any police notice, and were always ready to take out less important matter if necessary. The "other Advertiser" (the *Daily Advertiser*) behaved very differently, and had often delayed or even refused his notices although he had personally assured the printer of their importance to the public.

We have already seen that Henry Fielding realised the importance of informing the public of what was going on at Bow Street, and with this end in view he published in his own paper, the *Covent Garden Journal*, reports of cases specially written by his clerk, Joshua Brogden. John went one further, and admitted journalists to the court. This was the first time that such a thing had been done, and it produced the following complaint from a young idiot named Miles, of whom I shall have more to say presently: "I am astonished" (he wrote), "that no person has thought it of sufficient importance to complain of the shameful practice of printers being employed to publish the evidence and defence made by those miserable objects who are unfortunately introduced to your house. . . . The printer of a morning paper is accommodated with a desk, and pen, ink and paper, and you, Sir, direct him. . . . I will not enquire what the proprietors of the *Morning Chronicle* allow you for your pompous examinations. . . . Two other morning papers pay you fifty guineas per ann. each for those puffs and advertisements



which they insert from the police, and by this means the freedom of the press is in a manner destroyed.”

Of course John paid the papers, not the papers him ; the accounts are in existence to prove this, although such nonsense as Miles wrote hardly needs refutation. The reason why no one else protested at the publication of police court news was because only Miles was such a fool as to object to it. Ten years after John's death, on March 24, 1790, the *Times* published a letter alleging that Nicholas Bond, one of the Bow Street magistrates of the day, forced the reporters to pay for admission to the court, a practice which the writer rightly condemned as tending to destroy the freedom of the press.<sup>1</sup> Miles was a very backward young man.

We shall see that John was responsible for the foundation of the *Police Gazette*, which used to be on sale but is now issued only to police forces. Failing an official paper, his only course was to concentrate his notices in one particular paper, and in the *Public Advertiser* he had the most important daily paper of the day, one without a serious rival until 1769. It lasted from 1752 to 1798, and from 1758 onwards was conducted by Henry Sampson Woodfall, who had printed it since 1754. In it were published the famous “Letters of Junius.” In 1769 Henry Woodfall's brother William founded the *Morning Chronicle*, which ran until 1862. Both men played a leading part in securing the liberty of the press, and their names will never be forgotten. A friend of the family, John used both the *Chronicle* and the *Advertiser* for his notices, which thereby gained a wide circulation, particularly as it was the custom of the time for all papers to copy paragraphs from each other without acknowledgment. The fact that John expressly recommended the *Public Advertiser* both in his pamphlet and in the paper itself naturally gave rise to rumours, and in 1764 Henry Woodfall published the following disclaimer : “Being acquainted by Sir John Fielding that

<sup>1</sup> Bond had long been clerk at Bow Street and became a magistrate in 1780. In 1778, John Fielding got him an allowance of £100 a year from the Treasury (Select Committee on Finance, 1798 ; *H. of C. Reports*, XIII, 1803, p. 379).

it has been frequently thrown out and insinuated, as well publicly as privately, to his disadvantage, that the management, conduct, and compiling of this paper is under his direction ; and that he has been often blamed for things published in it, which have given offence to individuals : in justice to that gentleman, we do publicly declare, that he has not, nor ever had anything to do, in any respect whatever, either with the management, conduct, or compiling of this paper ; and that he only favours us with all advertisements relative to his office as a magistrate, long experience having proved to him that confining advertisements of frauds and felonies, and other matters tending to preserve peace and good order to particular papers has been productive of most essential benefits to the public.”<sup>1</sup>

Among the Treasury Papers in the Public Record Office are John's accounts for 1755-59.<sup>2</sup> They give us an illuminating insight into his activities during these years. Saunders Welch and he were each paid £400 a year for their services by favour of the Duke of Newcastle. Regularly twice a year they had to write to remind him that the half-yearly instalment of their salaries was due and it is clear that otherwise they would not have received a penny. On February 5, 1756, for instance, we find them asking in all humility for the £200 due to each the previous Michaelmas.<sup>3</sup> It is very much to their credit that they gave such fine service for such a slender reward, and one bestowed so grudgingly by the State. It must be said that the Duke himself undoubtedly did his best for them, and although he was like nothing so much as the White Rabbit in *Alice in Wonderland* in his conduct of affairs, it was not his fault that the Treasury was so reluctant to give up its gold. Even after the magistracy had been put on a stipendiary basis by Act of Parliament, the Treasury was often months late with its payments.<sup>4</sup> From the accounts

<sup>1</sup> e.g. *Public Advertiser*, December 17, 1764.

<sup>2</sup> Public Record Office : *Treasury Papers*, T.38/671.

<sup>3</sup> British Museum, *Additional MSS.*, 32, 862, f. 375, etc.

<sup>4</sup> *Select Committee on Finance of the Police of the Metropolis*, 1797, Appendix ; Armitage, p. 125.



submitted to the Treasury it appears that the £600 given to Henry Fielding was enough to keep the plan going up to November, 1754, for in the memorial presented at Michaelmas, 1756, with the accounts for the past year, John stated that "the £200 granted about this time twelvemonth to defray the expenses of Mr. Fielding's plan for apprehending robbers and preventing other disorders in and near this metropolis is now totally expended in that service ; an exact account of which is hereunto annexed, together with the printer of the *Public Advertiser's* bill of sixty-two pounds nineteen shillings for necessary advertisements ; from whence it would appear to your Lordships that one year's expense of this plan is two hundred and sixty two pounds nineteen shillings." He requested that the printer's bill should be paid, and that a further £200 might be allowed for the next year.

However, his accounts submitted on October 12, 1757, showed that he had exceeded this estimate by some £53, and for this reason and because "from Michaelmas, 1756, to Michaelmas, 1757, almost every highwayman, street-robber, house-breaker and mail-robber that has made his appearance, has been apprehended, executed, transported, or is now in custody " he asked for £400 a year for the plan ; "no very extraordinary sum when 'tis considered what a security it is to the lives, properties and peace of His Majesty's subjects in this metropolis." His estimate was as follows :

To 4 pursuers, all Peace Officers, who are to subject themselves to be called at any hour of the day or night to pursue to any part of the kingdom it shall be thought necessary, ten pounds to them each .	£40
To the maintenance of two pursuit horses, hiring the same being found subject to too many difficulties and delays to answer the purpose . . . . .	£40
To an Orderly Man to be constantly on duty . . . . .	£20
To a Register Clerk to take all informations and descriptions of suspicious persons, robbers, and things stolen . . . . .	£10

To the printer for advertisements, cautions, handbills, etc. . . . .	£60
To the common occurrences and expenses on every other account . . . . .	£200
	<hr/>
<i>Sum Total</i> .	£400

This was approved by the Treasury, and thenceforward John received £400 a year for the execution of the plan, in addition to his own salary.

The accounts are detailed, and are the nearest thing we have to a personal diary of John's activities. From the entries I am about to give it will be seen how manifold and various were the duties of John and his "set of brave fellows." His statement that they were ready to go to any part of the kingdom at short notice was no idle boast; the accounts tell us that during 1755-59 they were called to places as far afield as Windsor, Maidstone, Bristol, Barnet, Faversham, Newark, Maidenhead, Henley, Guildford, Tunbridge Wells and Oswestry, while a "three days pursuit in Hertfordshire and Bedfordshire" is also entered. In December, 1756, to give one more instance of the national character of the Bow Street force, "Mr. Fielding's people" pursued a man to Portsmouth, and had what must have been an exciting boat-race before capturing their quarry, who, with a partner, had done a roaring trade for a while by stealing tankards out of public-houses. "They always called for a back room, and pen, ink and paper, pretending to write a letter, which was long or short, according to the opportunity they had of jumping out of the window with the tankard."<sup>1</sup> In short, throughout our period, the Bow Street men travelled all over the country.

Here are some typical entries from the forty pages of foolscap which the accounts cover :

DATE		£	s.	d
1755				
November	1 For sitting up in an hospital with a highwayman that was wounded till fit to be examined . . . . .		1	11 6

<sup>1</sup> *Public Advertiser*, December 3 and 6, 1756.



DATE			£	s.	d.
November	10	For finding evidence for a murder		1	3
	22	Paid for proper arms for the pursuers of robbers, such as pistols, hangers, etc. . . . .	8	11	0
1756					
February	6	Enquiring after a person supposed to be a French spy . . . . .		5	6
March	12	For going round Berkeley Square and that neighbourhood to examine the deficiency of the lights . . . . .		5	6
	26	For dresses, tickets and other expenses to proper persons for detecting and apprehending 9 notorious gamblers at the Ridotto	8	2	6
April	9	For pursuing Waits, a house-breaker, to Bristol, for horse-hire 20 days . . . . .	3	10	0
May	10	For transcribing five fair copies of an Act of Parliament to punish frauds to be laid before the House . . . . .	1	6	0
June	30	For publishing in several papers a scheme to prevent highway robberies within 20 miles of London, and horse-hire for one day.	1	13	5
		For carrying the said scheme to all the turnpikes round London	2	2	0
August	28	For opening a pavement on suspicion of murder . . . . .		12	0
September	16	Paid for two men and two horses patrolling the great roads to prevent robberies, and for patrolling the roads to Ranelagh during the season . . . . .	9	16	0
N.B.—The managers at Ranelagh paid 17 guineas which with the £9 16 0 paid the whole expense of that Patrole.					

# THE PLAN EXTENDED

81

DATE		£.	s.	d.
September 25	Paid for dragging the ponds to find the clothes of Cannicot's wife that was murdered <sup>1</sup>	2	2	0
November 13	Spent on the Peace Officers for the County of Middlesex and City and and Liberty of Westminster for their diligence at several times in attending the bonfires ( <i>sic</i> ) to prevent the throwing of squibs and serpents <sup>2</sup>	3	3	0
17	An advertisement in the <i>Daily Advertiser</i> on account of ducks stole at Chelsea		2	0
20	Paid Pentlow, <sup>3</sup> Bob, Street, and Hyde 2s. 6d. each for patrolling the squares	10		0
21	For suppressing an illegal Music-Meeting <sup>4</sup>	4		0
November 23	Mending a blunderbuss for the pursuers		2	0
December 1	Messengers, etc., to Drury Lane Playhouse at the time of the riot there	4		6
6	Enquiry after some dangerous Roman Catholics at the Rose Tavern	1		0
10	Paid James Cullum for a broadsword and other arms for the use of the Patrole	5	3	6
	Paid Turner Desborough, turnpike man at Hyde Park Corner, for bringing a description of the horse the man rode who robbed the mail		2	0

<sup>1</sup> Cannicot, a bigamist, murdered his first wife. He was duly hanged. The affair attracted great attention; see, for instance, the long account of it in the *Gentleman's Magazine*, September, 1756, pp. 409-12.

<sup>2</sup> The occasion was the King's birthday, November 11. Letting off fireworks in the street has been illegal since 1697 (9 Will. III, c. 7). John published warnings in the papers, as the Metropolitan Police do about November 5. The great danger then was the frightening of horses. A "bonfire" is really a "bonefire," originally for burning animal and human remains.

<sup>3</sup> Pentlow; son of William Pentlow, Keeper of the New Prison.

<sup>4</sup> A place of entertainment not licensed under Henry Fielding's Act of 1751.



DATE			£	s.	d.
1757					
April	5	For enquiring into the murder committed by Evans <sup>1</sup> . . .	4	6	
July	21	For gunpowder . . .	2	0	
August	1	An information of the robbery of the Bishop of Bath and Wells by Page at Maidenhead Thickett <sup>2</sup>	2	6	
	9	Paid 18 constables for patrolling the fields in search of a gang of street-robbers consisting of seven persons lately apprehended, convicted, and executed . . .	2	14	0
1758 <sup>3</sup>					
November	11	To 7 persons for attending on Lord Mayor's Day and his Majesty's Birthday to prevent picking of pockets . . .	2	10	6
	30	To Millar for the last edition of the <i>Statutes at Large</i> . . .	13	10	0
December	16	To Jonah Fordsam for a post-chaise to go to all the turnpikes about London to stick up hand-bills in relation to robberies .	4	4	0
1759					
January	8	To an enquiry into a supposed murder on board the Juno .	2	0	
	13	To 3 persons for attending the pastry-cooks' shops on the Twelfth Eve to prevent picking of pockets . . .	3	0	

<sup>1</sup> On April 1, 1757, John Evans killed one watchman and wounded another who had arrested him for riotous behaviour. According to a Bow Street notice published in the *Public Advertiser* of April 4 he had previously been convicted of "corpse-snatching." I have been unable to discover whether he was captured; he does not appear in the *Newgate Calendar*, for which he certainly qualified.

<sup>2</sup> William Page was a particularly good highwayman, his game being to drive about in a phaeton and pair as a man of fashion, disguising himself and unharnessing one of the horses to hold up people, after which he returned to his pose as a perfect gentleman. When arrested at the Golden Lion near Hyde Park "a brace and a half of pistols loaded, and a curious plan of the roads round London in his own handwriting, were found upon him," as well as a change of wigs (*Public Advertiser*, August 10, 1757). He was hanged on April 6, 1758.

<sup>3</sup> There are accounts only for November and December, 1758.

DATE			£	s.	d.
February	3	To 4 persons for going to apprehend one Baldock on Tower Hill that robbed Mr. Creed's house of £200; for suppressing some illegal performances at the Little Theatre by desire of the Lord Chamberlain; for attending fraudulent auctions; for assisting to apprehend a number of gamesters who assembled on Sundays behind the Admiralty, by the desire of the Lords thereof; for fetching a witness concerning a stolen horse, and for pursuing a highwayman who committed a robbery near Islington . . . . .	1	13	6
	15	To Geo. Baxter for apprehending Field who gave evidence against a gang of sky-farmers, 20 in number <sup>1</sup> . . . . .	1	1	0
	24	To Morgan Whalan for going to Chelsea to prevent a lottery; one day's attendance <sup>2</sup> . . . . .		5	0
April	2	To a chairman for pursuing a carman riding on his cart, and wilfully driving against a lady's coach; to a porter for bringing a shuffleboard table from a house in St. Luke's parish; coach hire to Clerkenwell, etc. . . . .	1	3	0

<sup>1</sup> "Sky-farmers . . . execute their schemes in the following manner: one of them dresses himself extremely genteel, and takes upon himself either the character of a private gentleman or reputable tradesman. He is attended by two men in the character of country farmers, with clumsy boots, horseman's coats, etc. The objects pitched upon for imposition are good old charitable ladies, to whom the solicitor tells a dreadful story of losses by fire, inundation, etc., to the utter ruin of these two poor farmers and all their families; their wives are big with child, their children down in the small-pox, etc. A book is then produced by the solicitor, who undertakes this disagreeable office purely out of good-nature, knowing the story to be true. In this book are the names of several of the nobility and gentry set down by himself, who have contributed to this charity; and by setting out with false names, they at length get real ones . . ." John Fielding on "Cheats," an essay circulated as a warning to the public from 1756 onwards, and re-printed in his *Extracts from the Penal Laws*, 1761, pp. 225-38.

<sup>2</sup> Only State lotteries were legal.



	DATE		£	s.	d.
May	19	To Whalan for serving 47 summonses on publicans, bringing skittles from their houses after they were convicted, going to Chelsea, Marybone and Islington to prevent the same and being Orderly Man one week . . . .	1	2	0
July	7	To Count Kelly's footman, his master being confined for frightening her Royal Highness the Princess of Wales . . . .		2	6
		Coach-hire to Count Kelly's to apprehend him, he being raving mad <sup>1</sup> . . . . .		3	0
	21	To Thos. Field for putting up a ventilator in the office to prevent infection <sup>2</sup> . . . . .	1	11	6
October	16	To Mr. Clarke, constable, for coach-hire to Deptford after a person suspected of murdering a boy ; and to Punch's Theatre in James Street near the Haymarket to suppress an illegal performance . . . . .		17	2

It will be seen that John was not only a very busy man but also a shrewd one. Entries such as "for finding evidence for a murder, one-and-threepence," or "an information of the robbery of the Bishop of Bath and Wells by Page at Maidenhead Thickett, half-a-crown," amply bear out his assertion that "by bestowing a shilling or half-a-crown on a messenger, without which he would not have stirred one step, more service has been done to the public, than has accrued from advertising rewards of an hundred pounds." Yet the Treasury refused to see this.

With his own account for each year John also sent in that of the *Public Advertiser* for notices "put in by his

<sup>1</sup> See p. 238 below.

<sup>2</sup> Compare Henry Fielding in the *Voyage to Lisbon*: the atmosphere of the Bow Street office was "the most unwholesome, as well as nauseous, air in the universe."

directions in pursuance of his plan for apprehending thieves and robbers." About £60 a year was spent on this useful publicity. Most of the notices appeared as advertisements signed by John, but some were in the form of anonymous or pseudonymous paragraphs and letters in the news-columns.

Having seen how quickly John built up an effective organisation to fight the criminal, we may now turn to its actual working, as described by him in *An Account of a Police Set on Foot by the Duke of Newcastle upon a Plan presented by Henry Fielding*, published in February, 1758. He told his story in two sections, giving first the order in which the various aspects of crime were attacked, and then the results of each drive, but here the two parts may be run together.

First, the gangs of street-robbers and highwaymen were broken up. "Nor has any considerable gang of street-robbers appeared since, till lately, when a gang of journeymen and apprentices were brought to justice." As for highwaymen, "scarce one has escaped from that time to this."

Secondly, the housebreakers were successfully attacked. They "consisted chiefly of young fellows who were thieves from their cradles, and were at this time about eighteen or nineteen years of age, and very numerous."

Thirdly, he rounded-up the shoplifters, pickpockets and other pilferers "who, being the deserted children of porters, chairmen, and low mechanics, were obliged to steal for their subsistence. . . . What was very remarkable, four infant thieves, the oldest of which was but five years of age, were brought before John Fielding, which appeared to be children of different persons, collected together by one woman to beg and steal to furnish that beast with gin." We shall see that many of these boys were saved by the Marine Society.

Fourthly, he harried the cardsharppers and cheats. I have already given the entry in his accounts on March 26, 1756, "for dresses, tickets, and other expenses to proper persons for detecting and apprehending 9 notorious



gamblers at the Ridotto." The Ridotto, it may be explained, was a very fashionable diversion, consisting of music, dancing and gambling, usually held at this period in rooms in the Haymarket, but of course not confined to any particular place. "The first step towards" getting rid of the sharpers "was the separating of them from the nobility, with whom, by means of hired dresses, they had insolently mixed themselves. And this was done by the following plan: a man, perfectly well acquainted with all their persons, agreed with Mr. Fielding to point them out to the peace officers. He was therefore furnished with a rich suit of clothes hired from the same shop that had supplied most of these gamblers with their rich dresses, and being thus equipped with dress and ticket, he went to the Ridotto; by which stratagem nine of these sham gentlemen were apprehended, and so exposed to public view as to prevent their ever appearing again in public assemblies without being known." The raid was reported by the *Public Advertiser* of March 27, 1756, and on April 8, John announced in the same paper that there was no need for people to fear that there would be another incident of the kind, as the managers of the Ridotto had forbidden gaming altogether. He added, slyly or ingenuously, that he was sure that this ban would not keep the public away, as the best people went only for the music and dancing.

Turned out of this field, the tricksters began to prey on shopkeepers, and as there were many loopholes in the law they were able for a time to reap a rich harvest. Thereupon John "published, in a large sheet of paper, the numberless artifices used by these cheats to impose on tradesmen, and gave them away to shopkeepers as cautions to themselves and servants, to avoid the inroads of these harpies. But in order to eradicate the evil, he framed a Bill to supply the deficiencies of former laws, which has since passed into an Act." This was 30 Geo. II c. 24, passed in 1757 "for the more effectual punishment of persons who shall attain, or attempt to attain, possession of goods or money, by false or untrue pre-

tences ; for preventing the unlawful pawning of goods ; for the easy redemption of goods pawned ; and for preventing gaming in public houses by journeymen, labourers, servants and apprentices." He also formed " A Society for the Security of Trade, by bringing Cheats and Felons to justice," on the principle of those already existing among merchants for preventing thieving in the docks and among landowners for the preservation of game. Each member paid five shillings a year, which went towards prosecuting tricksters, circulating information about them, and the like, and was " always entitled to Mr. Fielding's opinion, gratis, on any case relating to the Society."<sup>1</sup>

In 1758 he also brought out fresh rules for pawnbrokers, who by the Act of the previous year were bound to take out a licence and to keep a proper record of pledges. The main object of the new rules was to form a " select body " of pawnbrokers who would co-operate with Bow Street in detecting both robbers and crooked members of their own profession. Of the rules, which were published in *Extracts from the Penal Laws* (1761), numbers eleven and thirteen are particularly interesting : " Never to send a boy before a magistrate or court of justice, when the master can attend and give the same evidence," and " To receive no pledges from children unless their parents or masters or mistresses are well known to the pawnbroker, and in general to avoid doing so as much as possible." By the Metropolitan Police Act of 1839 it was made an offence to accept pledges from children.

Fifthly, attention was paid to hops, illegal music-meetings and gambling in public-houses. Hops, it need hardly be said, were simply public dances, which were, with the music meetings or concerts, invariably frequented by prostitutes and sharpers. John's main object here was to safeguard the honest apprentice and artisan, who too often were robbed of all they had in these places, and then drifted into crime to make good their losses. He therefore invited people who knew of such places or of

<sup>1</sup> *Extracts from the Penal Laws*, 1761, pp. 238-42.



public-houses where gambling was rife to correspond with him anonymously. The letters were acknowledged in the advertisement columns of the *Public Advertiser*, and on May 13, 1756, he was able to inform the public that “of near a hundred of these kind of letters not one has contained a falsehood, which is strong proof of their coming from reputable persons. And as prevention is better than punishment, ’tis to be hoped that this advertisement will make all publicans cautious how they suffer any gaming.” In 1761, he was able to say in the introduction to his *Extracts from the Penal Laws* that “it has been found by experience, that nine out of ten of these irregular meetings have been suppressed merely by the magistrates sending to the parties, and making them acquainted with the nature of the offence, and the penalties which the laws in such cases prescribe.”

John was, however, very much against the informer who acted simply for the sake of a reward, and only in exceptional circumstances did he publicly offer money for information. He made a strong protest against legislation which was intended to be enforced by informers; “the legislature, by giving one-half of the penalty to the informer, doubtless intended to facilitate the execution of the penal laws; but it certainly has a contrary effect; for those who make informations before magistrates from the mere motive of the reward, are of the disreputable kind; and the advantages annexed to informers, have rendered the office itself odious, and deterred many reputable persons from redressing injuries and inconveniences they have laboured under for fear of the odious imputation of an informer. And it is believed, that if rewards in general, given to informers by penal laws, were taken away, and the whole penalty given to the poor, etc., the laws themselves would be easier executed, and the evils they were intended to remedy, easier removed. For it is from experience I have observed, that for one information made from the motive of the reward, twenty have been made from a desire only of removing a public evil or nuisance, without the least regard to the reward, which such informers

have generally applied themselves to charitable uses, having first paid the expense of the prosecution. But as gain is the common idea of the motive of all informations, many even of these persons have been insulted for their good offices to the public, which would not be the case if rewards in general were taken away ; and the removal of evils themselves would always be found sufficient motives for complaint, and at the same time it would give weight and dignity to the laws themselves.”<sup>1</sup>

On the subject of public-houses in particular he observed : “ When it is considered by the publican how much he pays yearly for his several licences, that he is subject to quarter soldiers, and the other losses and expenses necessarily attending the carrying on his business, surely he cannot be too cautious to avoid the above penalties, which must necessarily distress his family, as well as take away the reputation of his house. And as there are many persons who are wicked enough to tease a publican to lend them cards, or to suffer them to game in their houses, merely that they may have an opportunity to inform against the house for the sake of the reward, no publican can be safe who suffers gaming of any kind in his house. But it is feared, that the too great number of public-houses is the great cause of these evils, as it induces the publican to make use of these temptations to draw custom to his house ; which would not be the case if their number were lessened.”<sup>2</sup>

The Act of 1757, for which John was responsible, contained penalties for gaming in public-houses. This was by no means a new idea ; it is well known that from the fourteenth century onwards gambling has been the subject of legislation. The earlier Acts were passed in order to maintain the practice of archery, golf and football being prohibited for the same reason. The last of these “ artillery ” Acts, that of 1541, is still law in so far as it affects the frequenting of a gaming-house. John was not at all against innocent pastimes ; “ in the country,” he said in his pamphlet, “ the plowman, the

<sup>1</sup> *Extracts from the Penal Laws*, 1761, pp. 17-18.

<sup>2</sup> *Ibid.*, pp. 72-73.



labourer, and the artificer, are satisfied with their holy-days at Easter, Whitsuntide and Christmas. At the two former they enjoy their innocent sports, such as a cricket-match, or a game at cudgels, or some other laudable trial of manhood to the improvement of English courage. At Christmas, they partake of the good cheer of that season, and return satisfied to their labour : But in this town, diversions calculated to slacken the industry of the useful hands are innumerable : To lessen therefore, the number of these is the business of the magistrate. Bull-baitings, bear-baitings, cock-matches, and such races as are contrary to law, are in the number of outdoor diversions that call for redress. The first indeed are inhuman, and, for that reason, it is to be hoped are less frequent ; but the amusements of the greatest consequence are those that are carried on in the public-houses of the town ; such as cards, dice, draughts, shuffleboards, Mississippi tables, billiards, and covered skittle grounds. . . . I am persuaded that the putting down entirely of the above species of gaming would soon be found to be a considerable advantage as well as to the publican as his customers." These were very moderate views ; it must be remembered that in the eighteenth century gambling among all classes rose to a pitch never equalled before or since, and, further, that all public amusements occasioned crowds that were always rough and often riotous. Perhaps theatre audiences have now become too well-mannered, and are too slow to protest at nonsense, to its encouragement ; but that is neither here nor there. In John Fielding's day, although manners were slowly improving all the time, a very large part of any gathering of amusement-seekers, both men and women, was drunk, and therefore those who objected to the great number of public diversions had good reason to do so.

The great problem of the century was, as John pointed out, to reduce the number of licensed premises. During the 'thirties, when gin first began to be a national danger, there was actually twice the number of public-houses and grog-shops in London that there is now for a populatio-

six times as large.<sup>1</sup> An improvement followed the Gin Act of 1753, which established the present system of licensing at annual Brewster Sessions, but many years had necessarily to pass before the liquor traffic was under reasonable control, while a loophole in the law allowed any person to sell wine who could pay the small sum charged by the Stamp Office for a licence. So that the revenue might benefit, no inquiry whatever was made into the licensee's character. As John said: "This puts it in the power of the most disorderly persons to keep a species of tavern or public-house, in defiance of the magistrate, and is the chief support (robbery excepted) of the low and infamous bawdy houses."<sup>2</sup> Not until 1792 was this anomaly removed, but as it has been replaced by an equally lax system of licensing clubs the evil is still with us.

Living as he did in Covent Garden, notorious for its brothels, John felt very strongly on this subject, for people, ignorant of the simple method of getting a wine-licence, thought the bawdy-houses were licensed by the magistrates like ordinary public-houses, and therefore he had to put up with insinuations that he was bribed by the brothel-keepers to overlook the trade on which they really existed. For instance, in August, 1757, when a drunken man was killed by falling into the area of the Craven Arms, Southampton Street, a notorious bawdy-house, the mob attacked the place (not so much on moral grounds as through dislike of the more fashionable places of entertainment) and many arrests had to be made, whereupon it was said that John Fielding protected the house because he owned it. This lie he nailed in the *Public Advertiser*, when it appeared that the owners were, strange as it seems, the trustees of a charity school in Southwark.<sup>3</sup>

Again, William Hickey, writing in his *Memoirs* of his

<sup>1</sup> William Maitland, in his *History of London*, 1739, accounted for 16,436 licensed houses and 171 breweries for a population of about 725,000. In April, 1932, L.C.C. figures showed 7,566 licensed houses for about 4,386,000 people.

<sup>2</sup> *Extracts from the Penal Laws*, 1768, pp. 65-66.

<sup>3</sup> The *Public Advertiser*, August 11, 13 and 15, 1757; the *Gentleman's Magazine*, August, 1757, p. 382.



doings in London in 1767, when he was a lad of eighteen, said: "I now became a constant frequenter of the Bedford and Piazza Coffee houses, but my chief place for eating was young Slaughters, in St. Martin's Lane, where I supped every night with a set of extravagant young men of my own stamp. . . . We established ourselves into a roaring club, supped at eleven, after which we usually adjourned to Bow Street, Covent Garden, in which street there were three most notorious bawdy houses, all which we took in rotation. . . . The third brothel was kept by Mother Cocksedge, for the Lady Abbesses were dignified with the respectable title of Mother. In these days of wonderful propriety and general morality, it will scarcely be credited that Mother Cocksedge's house was actually next, of course under the very nose of that vigilant and upright magistrate, Sir John Fielding, who, from the riotous proceedings I have been a witness to at his worthy neighbour's, must have been deaf as well as blind, or at least, well paid for affecting to be so."<sup>1</sup>

Insinuations like this were common, and John answered them in his *Extracts from the Penal Laws* by pointing out that a magistrate could not take action against a disorderly house until an information had been sworn before him, yet "by the sly and wicked insinuations to be met with in the public papers, which are too often the vehicles of ignorance, calumny and falsehood, one would imagine that a justice of the peace could as easily suppress a bawdy-house as discharge a domestic servant. By the police in an arbitrary government, this, perhaps, might be done; but an English police can only prevent by reasonable cautions, and only punish on due informations and legal proofs. The laws of England are not to be executed on caprice or fancy, but by the administration of solemn oaths; and, as the law itself says, by the testimony of one or more credible witnesses on oath. But misrepresentation and credulity have so strong a

<sup>1</sup> *Memoirs of William Hickey*, 1913, etc.; i, p. 71. Referred to in this connection by Mr. J. Paul de Castro, *Notes and Queries*, September, 1918, p. 236.

foundation in the depravity and weakness of human nature, that it is absurd for persons in public characters, who are every day tried and condemned, or rather condemned and tried by the public, to hope totally to avoid its affects." This was as much as he said in the 1761 edition of his book, but in later editions he went on to complain of the wine-licence anomaly which I have already mentioned. Disorderly houses still present a very serious problem to the police for the very reasons given by John Fielding.<sup>1</sup>

One other point in connection with public-houses must be mentioned; the eighteenth-century custom of paying workmen therein instead of at their places of employment. John seems to have been the first to protest against the evils of this practice; "tradesmen paying their workmen at public-houses commonly called pay-tables are very injurious, as the men are too often kept out of their money till late on Saturday night, out of indulgence to the publican, by which means the mechanic goes home drunk and empty-handed to his family, where distress begets words, then blows," he wrote in the 1768 edition of his book. His insight into human nature is well demonstrated by the report of a case in the *Public Advertiser* of September 10, 1772: "One Hughes, a labourer, appeared against his master for a balance of 4s. 10d. due in part of the earnings of the week, and the master was ordered to pay the money. A circumstance arose in the course of this seemingly trivial affair which demands the attention of the public at large and particularly calls for that of the legislature, if the rectifying the abuse be within the power of the three estates of this realm. It appeared that Hughes's earnings (except the sum in question) had been paid at what they call a pay-table at a public-house. It is customary to bricklayers, carpenters and persons of other laborious professions to pay their people on Saturday nights at an alehouse. Mark the consequence :

<sup>1</sup> See, for instance, the lengthy discussion of the difficulties by Mr. A. C. Watson, Chief Superintendent, Bootle Police, in a letter to the *Police Journal*, October, 1933, pp. 487-94.



A labourer (otherwise a sober man) waits at an alehouse from six to seven, eight, nine, perhaps ten or eleven o'clock before the master or foreman comes to the payable; in course they drink deep, the poor wife and four or five children wait impatiently at home for the few shillings the husband's labour is to produce—the Saturday's supper unbought—the Sunday's dinner unprovided—the man goes home drunk at midnight and beats his wife—on Monday morning she swears the peace against him; their domestic happiness is for ever invaded, if not totally destroyed, and all this owing to the accursed custom of paying those labourers at an alehouse, whose little demands might be as easily adjusted in the accompting-house of their employers."

These were pointed words which Hogarth might have illustrated. From John Fielding's time, the evil custom gradually went out of favour; William Wilberforce, it is worth noting, did much to check it after John's death.<sup>1</sup>

As for drink itself, John wished that gin had never been invented, but he saw not the least harm in a drop of good beer. In his pamphlet of 1758 he drew attention to "an unobserved, tho' considerable advantage to the populace, arising from the late regulations to prevent the use of corn among the distillers, which has answered two ends, first, by lowering the price of the staff of life; and, secondly, by raising the price of poison; for gin is now so dear, or else so very bad, that good porter gains the pre-eminence, and I doubt not but at the year's end, there will be found a considerable increase in the consumption of that commodity, a liquor not only more wholesome in itself, but when drank to excess, does not inflame the passions to that violently degree as spiritous liquor do, which rather enrages than inebriates, and makes men mad and mischievous rather than merry. And I am firmly persuaded, that most of the hasty and precipitate murders that have been committed among the common people, in family quarrels, have arose from the direful effects of this liquid fire." There was, in fact, a marked increase in beer-drinking, with a corresponding

<sup>1</sup> Mrs. George, pp. 296-99.

decrease in gin-drinking, as the result of these regulations.

I have devoted a good deal of space to John's campaign against the evils which sprang from a badly regulated liquor traffic because it is so difficult for us in these days of "improved" public-houses, comparatively few and far between and open only for a limited period each day, to realise the immensity of the problem of preventing breaches of the peace and putting down gambling when, on the average, every sixth house in London was licensed, as was the case when John took office. The grog-shops disappeared during the 'fifties, but it was a long time before the number of public-houses was materially reduced.

The sixth and last point of the plan was the suppression of nuisances such as street-walkers, beggars, "insolent carmen," and the like. The fines were devoted to poor prisoners and debtors. "It is certain," John asserted, "that by suppressing the smaller evils in society you will prevent the greater; for it is much easier to check disorders in their infant state, than to conquer them when they are suffered to rise to a troublesome height; and prevention must always be a more eligible object than punishment or severity."<sup>1</sup> "Prevention is better than cure" is an old tag, but while it has never lacked preachers it has seldom been practised. Men of John's calibre have always been rare. It was well said by Colquhoun, who played such an important part in the formation of the Metropolitan Police, that "those who will contemplate the character and conduct of this valuable man (Henry Fielding), as well as that of his brother, the late Sir John Fielding, will sincerely lament that their excellent ideas, and accurate and extensive knowledge upon every subject connected with the police of the metropolis, and of the means of preventing crimes, were not rendered more useful to the public. It is to

<sup>1</sup> In his *Account of the Duke of Newcastle's Police* John referred to "the excellent Montesquieu," and it is clear that he was greatly influenced by that Frenchman's *De l'Esprit des Lois* (1748), which was soon translated into English. John was very widely read, and undoubtedly his wife and Mary Whittingham spent many hours reading to him.



be hoped, however, that it is not even yet too late.”<sup>1</sup>

This, then, was the plan of John’s first drive against crime, and the basis of all his subsequent operations. He was working single-handed to bring into existence the stipendiary magistracy and police we now have, but he was too far ahead of his time to see all his projects bear fruit. This summary of the plan of 1753–57 may be ended by quoting his own ideas on police in general, as set down in his pamphlet of 1758. “If this police should surprise the reader, he cannot be less pleased, when he hears that the annual expense of it to the Government, by the execution of all the above plans and pursuits, has never exceeded £400. Indeed double this sum would be a trifle, should it lessen the payment of rewards given by Act of Parliament for apprehending highwaymen, housebreakers, etc., and the object of the expense would be most agreeably changed from the destroying to the preserving of his Majesty’s subjects.

“It is apprehended that the Government will ever find it useful to encourage some principal acting magistrate to take this laborious task upon him ; and if such a one be bred to the Bar, the better ; for he ought to have a competent knowledge as well of the common, as the Crown law ; the former to assist the poor with his advice, and the latter to bring offenders to justice, to give notice to the legislature of the defects of any penal law (which is easier to be discovered in the execution than in the framing that law), and prevent himself and officers from falling a prey to that swarm of low and hungry solicitors who are always lying in wait to take an advantage of their errors ; and the more knowledge he has of human nature, the better, as it will enable him to detect art and unravel the dark clues of guilt. His being handsomely subsisted will take away the temptation of making gain of the paltry quarrels of the poor and thereby increasing the poor’s rates. And, indeed, it ought to remove every temptation that dishonours magistracy,

<sup>1</sup> *Treatise on the Police of the Metropolis*, by Patrick Colquhoun, 1797 (5th edition), p. 298 note.

and must in time free such men from the scandalous imputation of 'trading justice,' raise the dignity of the employment, and make it an object worthy the acceptance, nay, meriting the study of the best of men. For to root out fraud, prevent violence and oppression, and to preserve peace and good order, are the most grateful pursuits of a good heart and an ingenuous mind.

"He should keep the civil power alive ; that is to say, the constables ; constantly instructing them in their duty, and paying them for extraordinary and dangerous enterprises ; and, above all, promote harmony amongst them ; for when the civil power is divided it is nothing, but when the constables are collected together, known to each other, and bound by the connections of good fellowship, friendship, and the bonds of society, they became sensible of their office, stand by one another, and are a formidable body."

He then gave the details, already set down here, of the organisation of Bow Street, so "that the public may know how they are likely to be assisted when they complain." To us the most important point was the registering of all crimes reported to the office and of all offenders. Moreover, "what adds much to the efficacy of this police, there is a correspondence settled with many of the active magistrates in the country, at all distances, who constantly give notice to Mr. Fielding when they have committed any desperate rogue, or suspicious man, especially if a stranger in that country ; by which means they are often furnished with materials to bring such offenders to justice." From this registry sprang the Criminal Record Office of Scotland Yard, known for short as "C.R.O." ; "a national registry of crimes and a 'Who's Who' of their perpetrators, a storehouse of criminals' shadows, a means of enabling new crimes to be traced to old criminals and old criminals to be recognised for what they are. 'No known criminal,' said the Paris Prefect of Police recently, 'with a dossier at the *Sûreté* can hope to continue for very long without falling foul of the law,' and the same may be said of a criminal with a file in C.R.O. In the matter of the punishment



of criminals, C.R.O. is the recording angel whose testimony, of the good as well as the bad in a criminal, is received by the judge after conviction and before sentence.”<sup>1</sup>

So far ahead of his time was John that it was not until 1869 that any real attempt was made to develop the Bow Street registry (then, of course, in the hands of Scotland Yard) along the lines on which John himself would certainly have extended it. Between 1869, when a detective force was established in the Metropolitan Police and 1901, when the finger-print system was introduced, the idea gradually re-emerged that Scotland Yard should maintain a national registry of crimes and criminals, which was exactly what John Fielding had preached and practised as an essential feature of detective work a century before. We shall see more of this far-reaching aspect of his work.

Summing up the effects of the Bow Street police, he said : “ This plan honestly, actively, and carefully executed, tho’ it cannot entirely prevent frauds and felonies, must necessarily produce such good order in this town as has yet never been known, and tend greatly to the safety of the State ; as no dangerous assemblies or conspiracies can be carried on without the knowledge of this useful office of police.” In conclusion, he paid a graceful tribute to “ all those magistrates who have from time to time afforded me leisure and refreshment, by their kind attendance for me on public business ; nor must I forget to acknowledge myself greatly indebted to the general good behaviour, diligence, and activity of the constables of the county of Middlesex, and City and Liberty of Westminster, who have never been backward in their duty, however hazardous the occasion.”

<sup>1</sup> Moylan, p. 188.

## CHAPTER VII

### A GUNPOWDER PLOT AND OTHER THINGS

IN the summer of 1755 John had to investigate an affair which caused a tremendous sensation "over the kingdom, occasioned confusion during twenty-four hours, and influenced the stocks," as John Lockman put it.<sup>1</sup> One evening in June, one of the Duchess of Marlborough's laundry maids, passing by the Cocoa Tree Club in St. James's Street, saw a letter drop from the hand of a man who was entering the club. She picked it up, and to her amazement found that it was addressed "To You." "It was very obscure, talked of designs at Kew miscarried, of new methods to be taken; and as this way of correspondence had been repeated too often, another must be followed; and it told *you* that the next letter to him should be in a bandbox at such a house in the Haymarket," according to Horace Walpole in a letter to Richard Bentley, written on June 10 and 11, 1755. Being unable to make head or tail of the message, the next day the girl gave it to "her Grace's woman," who immediately showed it to her mistress. She came to the conclusion that it had some criminal import, and sent it straightaway to John Fielding.

He, Saunders Welch, and Nathan Carrington, the King's messenger whom Walpole called "the cleverest of all ministerial terriers," followed up the clue and found that the first letter and the one in the bandbox to which it referred were apparently damning evidence of a conspiracy to blow up the Royal Family, either at Kew or when they were at the Opera House in the Haymarket.

<sup>1</sup> *A Faithful Narrative of the Late Pretended Gunpowder Plot*, by John Lockman, Secretary to the Society of the Free British Fishery, 1755.



The ring-leaders appeared to be Benjamin May, manager of the theatre, and his treasurer, one Crawford, and they were accordingly arrested and taken to Bow Street for examination. When this became known, rumours spread like wild-fire through London. Horace Walpole was just sealing his letter to Richard Bentley on the evening of Wednesday, June 11, "when a most extraordinary piece of news indeed arrived—nothing less than a new gunpowder plot." His informant was his servant Harry, who had heard it from a waterman. "Two directors of the Opera, two English lords and two Scotch lords were in confinement at Justice Fielding's," was the story, and it had put the town "in an uproar." Walpole "took the liberty to represent to Harry" that there were some inconsistencies in his tale, but the man "was so persuaded that so dreadful a story could *not* be invented that I have been forced to believe it too : and in the course of our reasoning and guessing, I told him, that though I could not fix upon all four, I was persuaded that the late Lord Lovat who was beheaded must be one of the Scotch peers, and Lord Anson's son, who is not begot, one of the English."

Actually only May and Crawford were arrested, and in his account of the affair John Lockman testified to the great courtesy with which they were treated at Bow Street. It was very soon discovered that the letters were a hoax by someone who had a grudge against the two directors of the Opera, who were, of course, unconditionally released. "During the time of the confinement of the above-mentioned persons at Mr. Fielding's (as likewise at Mr. Carrington's)," said Lockman, "they were treated like gentlemen, and offered every sort of refreshment. On this account Mr. May, at his leaving the above magistrate's, desired to reward his servants, both for their civility, and for the trouble he had given. But as Mr. Fielding could not be prevailed upon to take a farthing ; and as Mr. May insisted upon leaving some money, and did so, the former immediately sent it to one of the hospitals." As Mr. de Castro has pointed out, this is good evidence of John's scrupulousness and an

effective counter-blast to the insinuations of William Hickey and others.<sup>1</sup>

I have already given in part a letter written by John to Lord Barrington, Secretary of State for War, on December 16, 1756. The first part of it, which has not been published hitherto, concerned proposals for a new Recruiting Act, and is interesting both in itself and as showing how early it was in his career that the Government began to consult John on matters of legislation. Addressed from Bow Street, December 16, 1756, the letter began :

MY LORD,

I was honoured with your Lordship's letter and the Act of Parliament, which I ought to have answered before, but our Sessions at the Old Bailey intervened and obliged me to take care of one of the most dangerous gangs of villains that ever infested this town, the greatest part of them are convicted and will be executed on Monday. Nor is the task that your Lordship has set me less arduous, for I almost think it impossible to form a Press Act that would answer the purpose and at the same time be acceptable to the people of this kingdom. I see many inconveniences in the present and most sincerely wish I could as easily discern their remedy and perhaps when I mention them to your Lordship something useful may occur to you. In the first place the Commissioners of the Land 'Taxes' share in the execution of this Act obstructs it much, especially in town, where they are most of them tradesmen and from their connections too easily persuaded to discharge persons that might be proper to serve, and in the country indolence and false fear defeats it entirely, for it often happens that the very magistrates themselves in the country are deterred from pursuing and apprehending common villains for fear as they say of having their houses burnt, or some such injury, but this I mention in confidence to your Lordship ; in the next place the description of the persons to be pressed is so very confined that it's scarce possible to

<sup>1</sup> *Notes and Queries*, September, 1918, p. 236.



find any number of men that come within the Act of Parliament, and how to give it more latitude, hic labor, hoc opus est. I think that any journeyman or labourer that has been unemployed for a month on his own accord might be pressed if not prevented from working by sickness, and if all Press warrants were to contain an exact description of the persons to be pressed in the very words of the Act of Parliament it would facilitate its execution and prevent the constables from confining improper persons, as they now do to the great injury of trade. I have observed that many, nay most of the persons that have been thought fit to serve have either been disabled from distemper or below the standard, and were I to have the honour of an hour's conference with your Lordship at any time or place when you should be most at leisure, I should be glad to furnish any hints that might arise from the perusal of the Act for its amendments, for my situation and experience in life rather enables me to see inconveniences than to remedy them, this is the office of higher abilities and of superior power. I hope I need not tell your Lordship that I am to the last degree earnest in the welfare of my country, and shall with the greatest pleasure follow any directions you shall be pleased to honour me with. . . .

He went on to give the "little piece of family history" already quoted.

The measure in question was passed early the next year (30 Geo. II c. 8). How far John's recommendations were embodied it is impossible to say. "An Act for the speedy and effectual recruiting of his Majesty's forces and marines," it was executed by justices of the peace, Commissioners of the Land Tax (despite John's objection) and other officials. It was new only in detail; the principle of impressment was as old as the hills. Volunteers were given a bounty of £3; the press-gang's quarry were "all able-bodied, idle, and disorderly persons who cannot, upon examination, prove themselves to exercise and industriously follow some lawful trade or employment, or to have some substance sufficient for

their support and maintenance.” Such persons had to be Protestants, physically fit, between the ages of seventeen and forty-five, and not less than five feet four inches in height in their stockings. The Act may have worked better than previous measures, but as John truly observed it was “impossible to form a Press Act that would answer the purpose and at the same time be acceptable to the people of this kingdom.”

It was true enough that county magistrates were often threatened with the destruction of their property if they persisted in their duty, and in 1754 (27 Geo. II c. 15), sending anonymous letters containing menaces was made a capital offence. While, of course, any public man was (and is) exposed to threats, the county magistrates suffered particularly because the easiest and safest way of carrying out such intentions was to fire stacks and outhouses, at any rate to begin with, an act needing little courage and likely to do much damage without hurting anyone.

Turning to some of the hundred-and-one matters which kept John busy, we find him, like Hogarth, taking a stand against the horrible cruelty of the age. “We hear,” began a notice which he inserted in the *Public Advertiser* of March 1, 1756, “that the Justices of the Peace for the County of Middlesex, have given orders to the Cryer of the Court at Hicks’s Hall, to stick up hand-bills in different parts of the town, to prevent that barbarous and inhuman custom, for I should blush to call it a diversion, of throwing at cocks on Shrove Tuesday. What cowardice in a brave nation, to see a fellow of six foot high throwing a monstrous stick at a poor inoffensive animal, tied to a stake to prevent its escape from the wanton cruelty of its unequal adversary! How inhumane the devices of the boys to whom these cocks belong, whom I have seen put them into hats, after the poor animals’ legs, thighs, etc., had been broke, to have their brains knocked out. Surely this is highly inconsistent with that charity, compassion, and benevolence, which foreigners observe to be the characteristics of our country. Query, would not these tall young



fellows before mentioned make a more comely figure with a musket on their shoulders?" The origin of this beastly business, which did not die out until the nineteenth century, is obscure; the most likely theory seems to be that the cock was punished because it was symbolical of France.

Two notices about fire-fighting inserted by John in the *Public Advertiser* are interesting. The first appeared on August 24, 1756: "As fire-engines are the most necessary, most useful, and most friendly machines that ever were invented, the keeping of them in order by frequent exercising them is certainly very laudable, but it were much to be wished that this should be done in proper places, such as the water-side, church-yards, squares, and other open parts of the town, where they might have room to play without giving offence to passengers. This would prevent all that mischief which never fails to arise when they are played in the streets; for what he that works the engine calls diversion, has frequently proved destruction to innocent passengers, and had like to have cost a poor woman her life the other day in St. Bride's parish. *Hae nugae seria ductunt.*" This reveals, I think, a pleasing sense of humour as well as a desire to improve. Let us be thankful that the London Fire Brigade has grown up.

The other notice, a letter signed "Atticus Police," a pseudonym which John often used, appeared on January 14, 1757. Referring to a recent disastrous fire, he pointed out that the "friendly fire-engine" (the exact adjective) was often rendered useless by the want of water. "And who is there that ever attended a fire in this metropolis on its first onset, that did not find cause to lament the want of water? Confusion, the common consequence of this alarming affliction, renders those nearly interested incapable of assisting themselves. The panic spreads, the fire plug is not to be found, the turn-cock is not at home, or perhaps drunk, the fire rages, the fireman stands gnawing his fingers, with his engine ready to play, and the general cry is for water." A piece of descriptive writing of which Henry Fielding himself

might not have been ashamed. As a remedy, John repeated a suggestion which a friend of his had made twelve months before, but of which nothing had come ; that water-cocks should be installed in the streets instead of, or in conjunction with, plugs, so that a supply of water might be instantly available. Plugs had to be fitted at certain intervals in the water-mains under an Act of 1708 (6 Anne c. 31) ; previously water had been got simply by breaking the pipes.

He also recommended another suggestion made by his friend, that ladders as well as engines should be brought to fires, and this he repeated in his *Extracts from the Penal Laws*. In 1774, legislation made this elementary precaution compulsory, but even so it was not until 1836, when fire-engines had been in use in London for more than two hundred years, that any really effective steps were taken to save life as well as property from fire. Perhaps this was because the insurance offices, which maintained private fire-brigades to supplement the puny efforts of the parochial authorities, at first stood to lose only by the destruction of property.<sup>1</sup>

The friend who inspired John's letter may well have been Nathaniel Hadley, the younger, whose father was one of the first manufacturers of fire-engines in London. The elder Hadley had been engaged in this trade for fifty or sixty years when, in 1738, he moved his factory to the corner of Long Acre and Bow Street. When he died is not known, but it seems certain that his son had succeeded him by the time John came to live in his neighbourhood. It is reasonable to suppose that the two men were acquainted, although there seems to be no direct evidence on the point. In 1807 the firm, which had become Hadley, Simpkin and Lott, had an apprentice

<sup>1</sup> The first mention of a fire-engine in London appears to be in a note of the decision of the Braintree Town Magistrates on October 1, 1632, to buy "an engine . . . as is in use in London . . . for the common good of the parish, to quench any fires that may befall" (*English Local Government*, by Sidney and Beatrice Webb, 1906, i, 225). See *Notes and Queries*, clxv, 208, 247, 284, 338, 429. Parish authorities had to provide ladders by 14 Geo. III, c. 78, ss. 75, 96. The formation of the Society for the Protection of Life from Fire in March, 1836, led to the introduction of the modern kind of fire-escape.



named Moses Merryweather, a Yorkshireman, who by his hard work and good sense in marrying Miss Lott, assumed control of the business about 1836. Merryweather and Sons, a name as friendly as their fire-engines, are still in Long Acre.<sup>1</sup>

As a further instance of John's manifold interests, and also of his sense of humour, I may quote his remarks on Christmas boxes in the *Public Advertiser* of December 28, 1756. This, he said, was "a custom unknown to every nation but this; and as Shakespeare says, 'a custom that would be much honoured by being broke,' for besides the injury it does to the apprentices, it is a very heavy and a very scandalous imposition upon the fair trader; some of whom, as I am credibly informed, pay away twenty or thirty pounds on this occasion, which is absolutely paying yearly for the goodwill of their own shops; nor is it less burdensome to private families, for if, in the course of the year, you should send for a carpenter to drive a nail or two, or an upholsterer to take down a bed, a blacksmith to mend your poker, or a brick-layer to repair a hole in a wall, you will certainly see all their apprentices at Christmas, and add to these your baker, brewer, butcher, grocer, poulterer, fishmonger, tallow-chandler, glazier, corn-chandler, dustman, chimney-sweeper, watchman, beadles, lamplighters, not to forget the person who sells brick-dust to your footman to clean his knives, and you will have some idea of the Christmas boxes of a private family: but, if this be an evil, how easy the remedy; let every tradesman keep his own apprentice at home, and the thing is done." Here, again, one is reminded of Henry Fielding. Certainly the man who wrote this was not "as deficient in humour as was Bishop Warburton," as Professor Cross said of John Fielding.<sup>2</sup>

I have already quoted John as saying that there was a "swarm of low and hungry solicitors who are always lying in wait to take an advantage of" the innocent errors of magistrates. Sir Thomas De Veil made the

<sup>1</sup> *A Record of Two Centuries*, 1690-1901, Merryweather & Sons, 1901.

<sup>2</sup> Cross, iii, p. 115.

same complaint, and it was, in fact, the regular practice of unscrupulous members of the legal profession to lead magistrates into making a decision upon a matter outside their jurisdiction, and then to issue them with a writ. In 1758 and 1759 John came out of two such cases with his colours flying.

The first was heard in the Court of King's Bench on November 7, 1758. The prosecutor and his attorney, whose names I have been unable to discover, charged John with committing some misdemeanour in his office, but exactly what it was is also a mystery. For the defence it was sworn that the attorney had publicly "declared (and in rude and virulent terms too) 'that if it should cost him £100 he would lay Fielding by the heels.' " The Court, consisting of Lord Mansfield, Sir Michael Foster and Sir John Eardley-Wilmot, "were clear and unanimous" that the case should be dismissed and that the prosecutors should pay the costs.<sup>1</sup>

Very likely it was the slanders of these two men that led John to publish an advertisement in the *Public Advertiser* on July 21, 1758, and subsequently, beginning: "Whereas several gross, scandalous, and malicious reports, have been industriously spread within these few days, with an intention to injure Mr. Fielding's character, without the least shadow of a foundation, such as his being committed to Newgate, suspended as a magistrate, etc.," and going on to offer if necessary a reward of twenty guineas for information leading to the discovery of "the black author of these malicious reports." In the same connection John wrote to the Duke of Newcastle on July 24 pointing out "the evil consequences of mob malice against a public magistrate" and asking that "the enclosed, or some such advertisement may be published by authority." "I shall only add," he said in conclusion, "that no history can furnish such an instance of persecuting abuse without cause as was the reports of last week concerning me."<sup>2</sup> The "enclosed

<sup>1</sup> *Reports of Cases in the Court of King's Bench, 1756-72*, by Sir James Burrow, 1790; ii, p. 654.

<sup>2</sup> British Museum, *Additional MSS.*, 32, 882, f. 58.



advertisement," obviously the one which he had had inserted in the *Advertiser* did not, however, appear in the *London Gazette*. A case arising out of events in July could not have been heard in the Court of King's Bench before November, and it is therefore reasonable to suppose that the otherwise mysterious advertisement and letter just quoted sprang from the machinations of the attorney who was determined to "lay Fielding by the heels."

The other case of "*Rex v. Fielding*" was spread over the Michaelmas and Hilary Terms, 1758-59, judgment being delivered on January 29, 1759. A Mr. Barnard laid an information against John for committing his son, William Barnard, to prison simply on a verbal charge made by the Duke of Marlborough "that this young man 'had sent him threatening letters, etc.' " Lord Mansfield, Foster, J. and Wilmot, J. again composed the Court, and the first-named delivered judgment as follows: "They were unanimous in opinion, that the main and principal charge which was the ground and foundation of the rest, and indeed the key to the whole nature and complexion of Mr. Fielding's behaviour, appeared to be false in fact and quite misrepresented to the Court by Barnard the father and Barnard the son; and that the justice of peace appeared to have acted in this affair without any bad or oppressive or injurious intention, though (in some respects) irregularly: and therefore, though the present complaint appeared to be so ill grounded, that the complainants deserved to be punished in costs for making it; yet as the justice had made the commitment without previously taking the Duke of Marlborough's oath, and had also neglected to take his Grace's recognizance to prosecute (both which parts of his conduct was irregular) he had no right to receive costs."<sup>1</sup> In short, John had been hasty but not in the least dishonest.

I may end this short survey of the odds-and-ends of John's life during the 'fifties by giving two cases which were pleasant variations on the theme of felony that was

<sup>1</sup> Burrow, ii, p. 719.

usually played at Bow Street. The first was reported in the *Public Advertiser* of November 25, 1754, as "an agreeable accident" which had "happened before Mr. Justice Fielding." A Berkshire farmer dashed into the office and implored John to find his daughter, who had eloped with a young mechanic, and was thought to be on her way to London with her lover. "Mr. Fielding's people" soon spotted the couple, for there were no two ways of getting into London from any particular direction owing to the turnpikes, and brought them along to Bow Street. The sorrowing parent was so overcome with joy at seeing his daughter safe and sound that he immediately forgave her and her young man, and consented to their marriage. "The scene gave too much pleasure to the beholders to be concealed from the eyes of those whose hearts are susceptible of tender sensations, and who are capable of seeing what ill consequences might have attended the severity of a parent in this instance," ran the report. "A worthy goldsmith in the Strand, being present at the examination, invited the whole family to breakfast next morning, in order to complete the affair, by giving away the farmer's daughter to her intended husband." Certainly a most "agreeable accident."

The other is the case of the Lovelorn Jeweller. On November 19, 1759, Jacques Dubuisson, as debonair as good looks and fine clothes could make him, was sauntering round the state apartments of St. James's palace, the privilege of any member of the public who could find a shilling or two for the Yeomen of the Guard. Suddenly, to the horror and amazement of his guide, the grand-looking visitor drew his sword and made a rush for the King's anteroom. A rare commotion followed, at the end of which Jacques found himself facing John Fielding at Bow Street. Blind though he was, John could "see" through most prisoners in a very few minutes, but he had to confess Jacques "either acted the part of a madman, or talked so like one, that little could be gathered from him." However, he was able to find out the address of his lodgings, and as the affair savoured of



High Treason of the deepest hue, Nathan Carrington was unleashed to smell it out.

Carrington made Jacques's landlady his first objective, and found her as talkative as any of her kind. "She did not perceive any signs of madness in the prisoner," she said, "but thought him very vain and conceited, as he would frequently talk and boast that every woman who seemed to look at him was in love with him." Here she probably paused for an instant to snort. Continuing, she said "that two or three nights before he committed the outrage at St. James's he said that he had been with a cunning man to interpret his dreams. He used to dress very genteely and always wore a sword when he went abroad. He pretended to have a mistress or sweetheart whom he said was a woman of fortune, and was in hope of marrying her. Upon the whole, she took him for a very weak, silly and conceited young fellow." All this and a good deal more poor Carrington had to write down in his notebook.

Next he interviewed one Pierre D'Argent, who said Jacques was a Swiss, and they both worked for a jeweller. "He rarely or never talked anything relating to politics, nor had any capacity for any such subjects," complained this serious young man, "his constant discourse being about women whom he imagined to be admirers of his person, or something of that vain and ridiculous nature."

Other witnesses confirmed Jacques's unpleasant vagaries. His employer, for instance, said that on the morning of the affair Jacques had come to him with a cock-and-bull story about his being a changeling who had just come into his rightful fortune, owing to the confession of his old nurse, and he was therefore not going to work any more. He had also said that the day before he had successfully beaten off 3,000 soldiers who had pursued him forty miles across country; and much more in the same quixotic strain. Our old friend William Pentlow, Keeper of the New Prison, said Jacques had been very troublesome, shouting when first locked up: "Damn you, you rascal, you don't know who I am! Show me the way to St. James's, for I am

the King ! ” However, he had cooled down after a time, and then apologised for causing such a commotion ; “ he had met with a disappointment in love, which unexpected turn disordered his understanding for some time,” and had tried to see the King only to ask him to “ relieve him in his distress.”

Nathan Carrington returned to Whitehall with all this information, and turned it over to the Attorney-General. That officer really did not know what to make of it, and in accordance with the traditions of government sent the papers to another department for information and necessary action. Thus it fell to Philip Carteret Webb, Solicitor to the Treasury, to advise the Prime Minister that at the time of the offence Jacques Dubuisson “ was in a state of lunacy proceeding from a love disappointment. . . . That he is to his person handsome, and on that account is extremely vain and imagines every woman that looks upon him must love him ” ; and that all things considered he should not be prosecuted. And so Jacques Dubuisson, the love-lorn jeweller, was released from prison a humbler man, while Whitehall solemnly filed the story of his case and settled down with a sigh, no doubt, to the more mundane affairs of State that made up the daily round.<sup>1</sup>

<sup>1</sup> S.P. 36/144, f. 28.



## CHAPTER VIII

### CHARITY

As if forming the first organised detective force, investigating and trying cases nearly every day, running the Universal Register Office, and looking after his dead brother's family as well as his own were not enough to keep him busy, John Fielding had to play a leading part in the foundation of three charities which are still doing splendid work; the Marine Society, the Magdalen Hospital and the Royal Female Orphanage. He also succeeded Henry Fielding as a life-governor of the British Lying-in Hospital in Endell Street (now St. Paul's Hospital), which was founded in 1749. In short, he was in the forefront of the great philanthropic movement which distinguished the second half of the eighteenth century.

Social welfare was always uppermost in the minds of Henry and John Fielding and Saunders Welch. Henry made some far-sighted proposals for the bettering the condition of the poor in 1753, but they were too novel for the age.<sup>1</sup> As early as January 18, 1752, the proprietors of the Universal Register Office announced in the *Covent Garden Journal* that they would be glad to do all they could to give effect to a suggestion that poor children should be employed in the manufacture of Dresden lace, but apparently nothing came of this.

Saunders Welch's experience as high constable made him an authority on the poor. "If we were to make a progress through the outskirts of this town," wrote Henry in his *Proposal*, "and look into the habitations of the poor, we should there behold such pictures of human misery as must move the compassion of every

<sup>1</sup> *A Proposal for making an effectual provision for the Poor*, January, 1753.

heart that deserves the name of human. . . . Some members of Parliament actually made this progress in company with Mr. Welch, and owned the truth exceeded their imagination." Welch was an old friend of Dr. Johnson's, and years after the period of this chapter, on October 10, 1779, Boswell recorded his master as saying: "Saunders Welch, the Justice, who was once High Constable of Holborn, and had the best opportunities of knowing the state of the poor, told me that I underrated the number, when I computed that twenty a week, that is, above a thousand a year, died of hunger, not absolutely of immediate hunger, but of the wasting and other diseases which are the consequences of hunger. This happens only in so large a place as London, where people are not known. What we are told about the great sums got by begging is not true; the trade is overstocked. And, you may depend upon it, there are many who cannot get work. A particular kind of manufacture fails; those who have been used to work at it, can, for some time, work at nothing else. You meet a man begging; you charge him with idleness: he says, 'I am willing to labour. Will you give me work?' 'I cannot.' 'Why then you have no right to charge me with idleness.'"

The germ of John's idea of rescuing poor boys from their evil surroundings and sending them to sea is to be found in his own report in the *Public Advertiser* of December 16, 1754, of a case which ended in his having to send five boys to prison for stealing. "It is indeed a melancholy truth, which I have learned from experience, that there are at this time in town some hundreds of this kind of boys," he wrote. "They might be made useful to society, if they were collected together before they commence thieves, and . . . placed either in men-of-war or the Merchants' Service." He was always loath to commit young offenders to prison, where men, women and children were herded indiscriminately and disease and vice reigned supreme. "Last Saturday morning," ran a report in the *Public Advertiser* of December 24, 1754, "was brought before John Fielding, Esq.,



two boys, the eldest not above twelve years of age, the one the son of a pavior, the other had no other parent than a poor industrious mother, the boys were charged by a butcher with pilfering meat from the shambles. . . . The parents undertook to correct them for their offence, which they both did in the presence of the justice, with a severity which shewed they aimed at the preservation of their children, for it is certain that sending such boys into prisons is much more likely to corrupt than reform their morals."

A year later providence sent John the chance he desired. "In the latter end of the year 1755," he wrote, "it appeared that there were a vast number of wretched boys, ragged as colts, abandoned, strangers to beds, and who lay about under bulks, and in ruinous empty houses, in Westminster and its environs. The removal of this evil at first seemed insuperable, until heaven inspired the thought of their preservation, by sending them to sea, and clothing them by public subscription." Heaven worked through Lord Harry Paulet, commanding H.M.S. *Barfleur*, who in January, 1756, wrote and asked John to send him thirty boys to act as officers' servants in his ship. There was no lack of volunteers, and soon the full number were collected, cleaned, clothed and dispatched rejoicing to Portsmouth. Lord Harry paid the expenses, which amounted to about £52 (thirty shillings for each boy's equipment and £7 for sending them to Portsmouth).<sup>1</sup> John modestly chose to forget his pronouncement in the *Public Advertiser* of December 16, 1754, and gave the entire credit for the idea first to Heaven and secondly to Lord Harry. I have already given reasons for the assumption that the two men had been acquainted since boyhood, and it seems fair to suppose that Lord Harry's letter did not arrive as a bolt from the blue, but was prompted by his knowledge of John's desire to do something for the "wretched boys" of Westminster.

<sup>1</sup> *Account of the Duke of Newcastle's Police*, 1758, and *Account of . . . Sir John Fielding's Plan for . . . Boys*, 1771 (containing a reprint of the earlier account).

The next part of the story may be told in the words of a pamphlet issued by the Marine Society some years later. "Fowler Walker, Esq., of Lincoln's Inn, happened to meet these boys on their journey to Portsmouth, and being struck with their appearance, his humanity suggested to him, that a greater number of such poor boys might be fitted out by a subscription. On his arrival in town, he proposed to Mr. Fielding, to solicit the public for a subscription for this purpose, himself offering to open it by a small donation. This worthy magistrate, in his written answer, expressed his doubts of the event, but acquiesced with Mr. Walker in his design, and happily succeeded so far, that he collected sufficient to clothe 300 or 400 boys."<sup>1</sup>

The fund was opened at the famous Bedford Coffee House in Covent Garden, with John Fielding and Saunders Welch as its administrators. The Admiralty co-operated, and applications from captains of ships for boys came in faster than could be dealt with. As each group was made ready it set out on foot to Portsmouth after a hearty meal of "roast beef and plumb pudding, a food the greatest part of them had long been strangers to." Every boy was given "one pair of shoes, two pair of stockings, one pair of trowsers, one waistcoat, one jacket, two shirts, two handkerchiefs, one cap, one Bible, and one bed and bedding," which cost about thirty shillings; at first, however, funds did not always permit of each boy being given a bed. At the end of April the Society of Antigallicans (what a wealth of history there is in that name!) came to the rescue with a large subscription, and "all those boys who have entered, or are willing to enter their names to become Jolly Tars, are desired to take notice, that the roast beef and plumb pudding will be on the Long Table at Mr. Fielding's, exactly at twelve o'clock on Monday next, where the young Antigallicans will meet them." The feast took place on May 3, and after the boys had "paid their respects to their generous patrons the

<sup>1</sup> Marine Society: *Byelaws*, etc., 1792. A shorter account to the same effect appeared in *The Origin . . . of the Marine Society*. 1770.



Lords of the Admiralty ” they marched off to Portsmouth.<sup>1</sup>

The scheme was administered by John and Saunders Welch until July, 1756, by which date some 400 boys had been rescued from destitution and turned into “Jolly Tars.” Meanwhile that great philanthropist, Jonas Hanway (1712–86), who also shares with John (“Beau”) MacDonald, a “gentleman’s gentleman,” the distinction of being the first Englishman to carry such an effeminate thing as an umbrella,<sup>2</sup> had convened a meeting of merchants and shipowners to discuss the question of forming a society to give bounties of clothing to landsmen joining the navy. The society was formally instituted as the Marine Society on July 22, under the presidency of Lord Romney. Its honorary treasurer was John Thornton (1720–90), the wealthy supporter of John Newton and Cowper in their Evangelical campaign, and the head of a family of bankers and philanthropists.

John was quick to take the opportunity afforded by the foundation of the Society, for he had been asked to supply thirty boys to H.M.S. St. George but had not the necessary funds. On July 26, therefore, he explained the position to the Society, which readily agreed to clothe the boys and send them to Portsmouth. This was the first of several batches sent from Bow Street to the Marine Society, which at this time had its committee rooms over the Royal Exchange, the move to its present quarters in Clark’s Place, Bishopsgate, being made in 1774. John was made a member of the committee, his first attendance, as shown by the minutes of the Society, being on December 23, 1756. Early next year the boys began to come in direct to the Society, for there was not enough room in John’s house to clothe them, “except in the open yard ; and the sending of the slops from Billingsgate, and bringing the boys back to be viewed by us in committee over the Royal Exchange, and shewing them in procession in the City, rendered it so very inconvenient, that after some time we resolved

<sup>1</sup> *Public Advertiser*, March 29, April 10, 27 and May 3, 1756.

<sup>2</sup> See *Travels in Various Parts*, by John MacDonald, 1790.





THE MARINE SOCIETY AT WORK.

(From a symbolical engraving by G. B. Cipriani, in "*An Account of the Marine Society*," by Jonas Hanway, 1769.)

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to clothe them under the eye of the committee : we accordingly procured an additional apartment over the Royal Exchange, and provided presses for the reception of the slops.”<sup>1</sup>

In January, 1757, just before the Society assumed entire control of the charity, John took the opportunity of using the boys as propaganda against his arch-enemy, gin, by inserting a long letter, signed “Atticus Police,” in the *Public Advertiser* of January 29. It will be seen that he could not have written it himself, but he paid for its insertion and therefore must have inspired it : “I was present the other day at Mr. Justice Fielding’s ” (it ran) “when he was examining the boys that offered themselves to go to sea ; many of them were children of the industrious poor, brought from different parts of the country by their parents, to receive the benefit of clothes given by the Marine Society, and to put their children to sea : And when the town and country boys were mixed together, with their respective parents, the ingenious Mr. Hogarth’s two prints of Beer Street and Gin Lane, came strongly to my mind. The country boys were straight, stout, and well-grown, and their complexions clear and ruddy, their coats patched, their stockings darned, their shoes capped, but all tight ; and their parents modest, and anxious for the welfare of their children. The town boys, puny, pale, seemingly checked in their growth, ragged and dirty ; their parents abandoned, noisy, and lost to paternal affection ; and their clothes, or rather rags, burnt off their backs with the same poisonous gin with which they have destroyed their own constitutions, and the growth, strength, and vigour of their offspring ; for a country boy of twelve years of age was larger than many of the town boys of sixteen.”

The rest of the letter was a plea for further restrictions on the sale of gin. The writer agreed that the Gin Act of 1753 had done much good in prohibiting the sale of

<sup>1</sup> *The Origin of the Marine Society*, 1770. For information from the Society’s Minutes I am indebted to Captain H. T. A. Bosanquet, R.N. (Ret.), of the Committee, and Captain C. G. A. Lenny, R.N. (Ret.), Secretary of the Society, Clark’s Place, Bishopsgate.



spirits by chandlers, or general dealers, for previously "the women servants of the most reputable families could, without shame, go in for needles, pins, or thread, and take a whet, to which the good landlady never failed to encourage them, saying that it was a good cordial for low spirits, an excellent specific against love and all its disappointments ; but as the case now stands, these kind of women cannot, unless hardened to a certain degree, go into a public house, and bunter-like, drink a dram at the bar." However, greater restrictions were still necessary.

The theatrical world, always quick to help good causes, readily assisted the Society. In 1757, for instance, benefit performances were given by Garrick at Drury Lane on May 11, by Ranelagh on June 9, when Stanley, the blind musician, conducted Handel's "Acis and Galatea," and by the Opera. It is interesting to find that the receipts from Ranelagh amounted to £502 7s. ; from Drury Lane to £271 2s. ; and from the Opera only to £59 8s.<sup>1</sup>

John had a strong connection with the theatre, and with Garrick particularly, and was probably instrumental in getting up these performances. The one at Drury Lane on May 11, 1757, when Garrick gave "The Suspicious Husband" was the culminating point in a red-letter day in the lives of the "Jolly Tars." "Last Wednesday," began the report of the proceedings in the *Public Advertiser* of Friday, May 13, 1757, "75 friendless boys and about 40 stout young men, all volunteers, were completely clothed by the Marine Society, to go on board the Fleet, and at one o'clock the same day they were drawn up on Constitution Hill by Mr. Justice Fielding, in order to express their gratitude to his Majesty with three cheers for his late royal bounty.<sup>2</sup> His Majesty's coach went very slow all along the bank, and a smile expressive of paternal delight overspread his

<sup>1</sup> *Londinium Redivivum*, by J. P. Malcolm, 1803, iii, p. 475.

<sup>2</sup> George II had subscribed £1,000 to the fund, the Prince of Wales £400, and the Princess £200 ; *Origin of the Marine Society*, 1770. The Marine Society has had the honour of the Patronage of the reigning monarch since 1756.

royal countenance ; from thence they marched to the Admiralty, and were drawn up in the garden, and reviewed by the Right Hon. the Lords of the Admiralty, who expressed great pleasure at the sight, and politely acknowledged the utility of the undertaking to the Navy ; from thence the boys went to Lord Blakeney's Head in Bow Street, Covent Garden, to dine on roast beef and plumb pudding ; and the members of the Marine Society to the Crown and Anchor Tavern, at which place many gentlemen of fashion favoured them with their company to dinner, which consisted of one course made up of dishes truly English, namely roast beef, hams and haunches of mutton ; after dinner his Majesty's health, the Prince of Wales's, the Royal Family, the Lords of the Admiralty, etc. were drank, attended by the proper salutes of cannon ; in the evening they marched with the boys and men at their head to the Theatre Royal in Drury Lane, where the comedy of *The Suspicious Husband* was performed for the benefit of the Marine Society, to a most brilliant audience ; and it is hard to say which were most delighted, the players or the spectators, for the former seemed as industrious to exert their spirits on this occasion, as the latter did to shew their satisfaction by their applause ; in a word, the whole was concluded with great joy, and tho' the procession of the day occasioned a vast concourse of people to meet together, not one accident happened, nor was the least disorder committed. The above men and boys were yesterday reviewed by the Marine Society, at the Royal Exchange, and marched off to Portsmouth."

A pleasing example of eighteenth-century journalism : "a smile expressive of paternal delight overspread his royal countenance" was a particularly happy touch.

Meanwhile the Society had decided, on April 7, 1757, to present Jonas Hanway, as its founder, and John Fielding, as originator of the scheme for sending boys to sea, with silver anchors suitably inscribed. John duly received his on November 25, certain members of the committee waiting on him at Bow Street to make the presentation. Round the ring of the anchor, which



weighed ten ounces, was inscribed the Society's motto :  
 "For the Service of our Country," and on one side of  
 the stock :

"The Marine Society was instituted in London on  
 July 22, 1756, and within twelve months completely  
 fitted out for the Service of the Royal Navy 1911 men  
 and 1580 boys ;  
 and on the other :

"Presented by the Marine Society to John Fielding,  
 Esq. ; as a token of their just sense of his great services  
 in promoting their design." <sup>1</sup>

This anchor has never come to light, and it must  
 have perished with John's other effects in the Gordon  
 Riots of 1780.

During 1763-69 the Society was forced to suspend  
 operations owing to a troublesome lawsuit over a large  
 bequest. In the meantime John, at the request of Sir  
 William Rowley, one of the Lords of the Admiralty,  
 got out a scheme for absorbing into civil occupations  
 the large number of men and boys discharged from the  
 Navy at the end of the Seven Years War in 1763.<sup>1</sup> Then  
 early in 1769, when the Marine Society was still non-  
 effective, John started a fresh scheme of his own, ad-  
 vertised in the *Public Advertiser* from February 9 onwards,  
 and described in his pamphlet of 1771 already referred  
 to. Some £1,700 was subscribed between February 12  
 and March 16, 1769, and many hundreds of boys were  
 sent to sea in the Merchant Service. By this time each  
 boy's equipment had risen to "two pairs of shoes, a  
 pair of buckles, four pair of stockings, two pair of  
 drawers, two pair of trowsers, two under jackets, two  
 upper jackets, two working frocks, four shirts, two neck  
 handkerchiefs, one woollen cap, one Dutch cap, one bed,  
 two blankets and a rug, and a small sea chest, amounting  
 on an average to about £4 5s." <sup>2</sup> In addition, £5 was  
 paid to each master with each boy.

<sup>1</sup> *Account of Sir John Fielding's Plan for Boys*, 1771.

<sup>2</sup> *Public Advertiser*, March 16, 1769.

John estimated that "Fielding's Seminary for Sailors," as he called his scheme, would absorb about 100 boys every year from London, thereby materially reducing the "black fountain" which supplied the "gangs of housebreakers, street-robbers, and foot-pads," for "tho' at first they content themselves with picking of pockets, and stealing of trifling things out of shops, their wants being few, and their expenses small, yet as they grow up their fears lessen, their strength increases with their courage, and their expenses occasioned by women, make them undertake the most daring enterprises."

The success of this new scheme led John to publish an over-sanguine advertisement pointing out that the majority of such boys had been removed. To this the Marine Society, which had at last won its lawsuit, objected in an announcement published in the *Public Advertiser* of September 18, 1769, on the grounds that there were still plenty of boys to be dealt with; naturally the Society feared that the public would no longer subscribe after reading John's optimistic advertisement. A coolness therefore sprang up between the Society and John, and this time no attempt was made to amalgamate the two funds for some three years. However, there was no real ill-feeling involved, and on July 23, 1772, John broke the ice with the following letter:

Sir John Fielding presents his respects to the Governors of the Marine Society, and requests the favour to know in what manner in their present incorporated state, they mean to assist the police of this metropolis, by taking under their care and protection such friendless, deserted, and criminal boys, as may be brought before the magistrates, or the courts; whether they intend to confine, and employ them in making of ropes, and rigging, till they are sent to sea. Sir John Fielding takes the liberty to mention the circumstance of their confinement, as it has always been attended with difficulty from his first clothing, and sending boys to sea in February, 1756, to the present time. Could this part of the plan be established



on a good foundation, he thinks it would facilitate the execution of this noble design: and as in general the boys offer themselves as volunteers, their confinement for the sake of maintenance would be voluntary, therefore legal. Sir John thinks, but with great deference to the judgment of the Governors, that great care should be taken to prevent boys coming from the country, especially in time of peace, as it may open a door of unkind parents, and negligent parish officers, to drive what they may consider as a nuisance to London, where luxury and dissipation will always furnish more objects than can be relieved. As boys of this kind very frequently apply to Sir John Fielding to be clothed and sent to sea, he wishes to know in what manner he should convey such objects to their care, so that they may partake of the protection of the Marine Society.

With unfeigned truth,

Their very respectful and

obedient humble servant,

JOHN FIELDING.

Bow Street.

July 23, 1772.

The Society answered that as soon as their new regulations were printed John should have a copy, and that any boys he sent to them would be provided for "as soon as proper masters offer to take them."<sup>1</sup>

John's letter does not, perhaps, make it quite clear to us that the confinement of the boys was simply during the period that necessarily elapsed between their volunteering and their being offered a berth. This remained a great difficulty until 1786, when the idea was hit upon of establishing a training ship.<sup>2</sup> In arriving at this solution the Society started a movement which has since spread all over the world, for the ship was the first of its kind. It has long been the rule to take only boys of good character.

Among the subscribers to John's second fund was

<sup>1</sup> Marine Society's *Minutes* (MS.), July 30, 1772.

<sup>2</sup> Marine Society's *Byelaws*, 1792.

Bartholomew de Dominiceti, a famous quack, who gave a shilling to the fund for every patient who came to his house in Cheyne Walk, Chelsea. In return John, himself a patient, testified to the cures worked by the baths in which Dominiceti specialised. While Dominiceti was called a quack because he had no medical degree, he was extensively patronised, and there is no doubt that his treatment was useful. In 1794 his son, a properly qualified doctor, who continued his father's work, was able to state that the cures "authenticated by the late Sir John Fielding have never, so far as I know, been called in question."<sup>1</sup>

So much for the Marine Society; now for John's schemes for helping the sisters of the boys who went to sea. One of the crying evils of the time was child prostitution, which, indeed, remained a terrible reproach until 1885, when Parliament hastily raised the age of consent from twelve to sixteen as the result of W. T. Stead's exposure in the *Pall Mall Gazette* of the traffic in young girls. Stead's reward was three months' imprisonment; but that is another story. At the beginning of the second half of the eighteenth century the evil of prostitution received a good deal of attention as the result of a letter, urging the establishment of a home for penitent prostitutes, published in the *Rambler*, Dr. Johnson's paper, on March 26, 1751, and reprinted in the *Gentleman's Magazine* for April. Beyond discussion of the problems involved, however, nothing was achieved for some years.

On July 14, 1757, John Fielding announced in the *Public Advertiser* that he would shortly publish a pamphlet containing a "Plan for Preserving Deserted Girls." It appeared in the following February as part of his *Account of the Duke of Newcastle's Police*. Most of the inmates of brothels, he said, were under eighteen, and many of

<sup>1</sup> *A Plan for Extending the use of Artificial Water Baths*, etc., by B. de Dominiceti, 1771 (dedicated to Sir John Fielding); *An Address . . . to the Commons*, by B. de Dominiceti, 1782 (suggesting that his baths should be placed on a charitable basis); *A Dissertation on . . . Artificial Medicated Water*, etc., by R. de Dominiceti, M.D., 1794; *History of Chelsea*, by Thomas Faulkner, 1829; i, pp. 392-96, 406; *Environs of London*, by Daniel Lysons, 1792-96, ii, p. 124, and Supplement, pp. 38, 109.



them no older than twelve. Usually they were the daughters of parents whose sole support was "either the wash-tub, green-stall, or barrow," and who therefore could not, or would not, support their children, but turned them loose into the streets, the boys to become pickpockets and the girls prostitutes. As a remedy he proposed the establishment of a "preservatory and reformatory"; one institution, but its two branches to be kept separate. He appealed for support from the public, particularly from the "ladies, whose tender feelings will give them a much juster idea of the sufferings of these poor creatures than anything the warmest imagination can suggest; for really some of their cases, as Shakespeare says, beggar all description."

The institution was to consist of a public laundry, properly equipped with living-rooms, a chapel, and schoolrooms. The "preservatory" part was to take in deserted girls of from seven to fifteen years of age as apprentices, train them in domestic work, and then send them out to reputable families as servants. The "reformatory" was to do much the same for older girls who had been seduced. The institution was to be under the patronage of men of position as "fathers" or guardians, and twenty-six "ladies of rank" were to be appointed as visitors, two to go every week and report in writing to the committee the results of their tour of inspection. In encouraging women to take a leading part in work of this kind John was ahead of his time, as indeed, his whole career shows him to have been. He suggested that it would not be long before the laundry made the institution practically self-supporting.

This pamphlet was followed by several more on the same subject. A Mr. Marchant published *Observations on Mr. Fielding's Plan for a Preservatory and Reformatory*, in which he appealed to the public to support the scheme. In April, Saunders Welch produced *A Plan to remove the nuisance of Common Prostitutes from the Streets of this Metropolis*, criticising constructively certain details of John's plan, and pleading for fresh and severer legislation against the keepers of disorderly houses. The

Act of 1752, for which Henry Fielding was responsible, was not, however, amended until the following century.<sup>1</sup>

The next pamphlet to appear was by one Robert Dingley, a dilettante in the old and honourable sense, who had been mentioned by Saunders Welch as one who had devoted much thought to the subject. Dingley came out with definite *Proposals for Establishing a Public Place of Reception for Penitent Prostitutes*, based, as he readily acknowledged, on the suggestions of "two worthy magistrates, Mr. Fielding and Mr. Welch." Before writing it he consulted Jonas Hanway and others, and thus he was able to print the names of a committee which was ready to receive public subscriptions.

The subscription for the asylum or "preservatory" for orphan girls was opened on March 14, the Duchess of Somerset heading the list, and that for the Magdalen a little later. "At one time it seemed possible that Dingley's and Fielding's supporters might join forces and make one great institution," wrote the historian of the Magdalen Hospital. "Most wisely, as we cannot but think, this was not to be. By May 4 a decision was reached, with good feeling and good wishes on both sides ; and the result was that, in addition to the Magdalen, this year 1758 saw the beginning of that fine charity, the Female Orphan Asylum."<sup>2</sup> The first meeting of the asylum committee, under the chairmanship of the third Viscount Townshend, was held on May 10, and a house, the Hercules Inn, chosen for the reception of the girls. It was in Lambeth, at the junction of the roads to Southwark and Vauxhall (now Westminster Bridge Road and Kennington Road). On July 5, when more than £1200 had been collected, the first batch of girls was admitted. Four years later, on November 25, 1762, the first of them, Mary Kirton, having received a thorough course of training in housework, became John Fielding's servant. Besides this distinction, Mary

<sup>1</sup> "An Act for the better preventing thefts and robberies, and for regulating places of public entertainment, and punishing persons keeping disorderly houses." 25 Geo. II, c. 36.

<sup>2</sup> *The Magdalen Hospital* by H. F. B. Compston, 1917, p. 40.



Kirton was also lucky enough to win a prize of £100 for the first orphan to marry.<sup>1</sup>

The first secretary of the asylum was Sampson Wright who, with William Addington, succeeded John at Bow Street and became Sir Sampson. As in the case of the Marine Society John enlisted the support of the theatres ; for instance, on May 24, 1758, he announced in the *Public Advertiser* that Mr. Rosoman, the proprietor of Sadler's Wells, would devote the proceeds of one night's entertainment to the charity. "Ladies are therefore desired to secure the boxes early, and for their safety there will be a horse patrol armed that night on the New Road between Sadler's Wells and Grosvenor Square." The "New Road," as it was simply called at first, was constructed in 1757 and is now mainly represented by the Marylebone Road, Euston Road and Pentonville Road. Another and pretty regular, if not large, source of income to the charity was Bow Street itself, for, as the minute books show, John sent the orphanage the fines levied from careless carmen, bakers who gave short weight and other nuisances, although he was legally entitled to keep half the penalty, the other half going to the prosecutor. Throughout his career, in fact, John refused to touch a penny of this money, but devoted it either to charity or to the police ; yet Sir Leslie Stephen, in the *Dictionary of National Biography*, thought fit to dismiss him as a "trading justice."

The Magdalen Hospital was opened in Goodman's Fields, Whitechapel, on August 10, 1758, John Fielding and Saunders Welch being among its governors. In 1769 it moved to Southwark and in 1868 to its present site in Streatham. The asylum, now called the Royal Female Orphanage, remained in Lambeth until 1866, when it was transferred to the famous old home of the Carew family at Beddington, near Croydon. In the

<sup>1</sup> The *Public Advertiser*, July 4, 7, etc., 1758 ; December 21, 1759 (letter from John Fielding on the history and aims of the Asylum) ; *An Account of the Asylum*, 1763 ; MS. Minutes, for information from which I am indebted to Mr. Ernest J. Bayley, Secretary of the Royal Female Orphanage, Beddington.



SIR JOHN FIELDING.

*(Painted by Nathaniel Hone, R.A., and engraved by J. McArdell, 1762. The original is in the possession of the Royal Female Orphanage.)*

*[To face page 126.]*





committee-room there is a fine portrait of John Fielding, painted by Nathaniel Hone in or before 1762.<sup>1</sup>

As its founder, John was made a life governor of the orphanage, and he also continued his close association with the Magdalen. From 1764 onwards he and Robert Dingley administered a curious bequest to the two charities, the profits from the sale of Joshua Ward's famous "Drop and Pill." In 1717 Ward, the best-known of eighteenth-century quacks, fled from London to Paris after having been found out in an attempt to enter Parliament for Marlborough by fraudulent means. While in France he also managed to get into trouble with the authorities, and was only saved from imprisonment by a certain John Page, later member for Chichester and Secretary of the Treasury. Receiving a pardon in 1733, Ward returned to England and amassed a large fortune from his practise, and on his death in 1761 left Page the recipes of his medicines. Generously, Page put the sale of them into the hands of John Fielding and Robert Dingley for the benefit of their charities. The chymists who prepared the medicines were granted pensions by the Government. Between 1764 and 1797 some £1,800 was divided between the Magdalen and the Orphanage from this source, as much as £353 coming in during the first year. The fact was that without Ward's flamboyant salesmanship the demand for his remedies steadily declined, and by the end of the century they were almost forgotten.<sup>2</sup>

Two other activities of John's may be considered in this chapter, because as far as he was concerned they were of a philanthropic nature. The first marks an important event in the history of carpet-making in this country; the introduction of Gobelin work. In 1751 there came to live in England a certain Father Norbert, a Capuchin friar who had earned great renown for his

<sup>1</sup> This is the younger of the two portraits by Nathaniel Hone, and must therefore be the one mentioned by W. G. Strickland in his *Dictionary of Irish Painters*, 1913, as having been exhibited by the artist in 1762.

<sup>2</sup> S.P. 37/6, f. 80/29 (Dingley to Lord Hertford on the chemist's pensions); *Annual Register*, 1763, pp. 109-20, and March 25, 1765; Compston, pp. 193-94.



fierce attacks on the Jesuits ; in fact, Pope Benedict XIV, who was an anti-Jesuit himself, used Norbert as a missionary in India, and intended to do so in England. However, when Norbert arrived in this country he changed his name to Parisot, became a naturalised Englishman, and putting religion behind him started a tapestry and carpet factory, importing skilled men from the Gobelin works to set the new industry on its feet. Settling first in Paddington, he soon moved to Fulham, and finally, in 1755, he sold these works and re-established himself in Exeter. The new tapestries and carpets became very fashionable, and Parisot was patronised by the "nobility and gentry" from the Prince of Wales downwards. Such fine work was not a commercial proposition, and had to be subsidised by private subscriptions ; unfortunately it appears that a large part of the money so raised went straight into the ex-friar's pocket. At any rate his factory went bankrupt in 1758, and was bought by a Swiss serge-maker named Passavant, who apparently managed to make it pay. Norbert, Parisot, Curiel or Platel (he used all these names) returned to France, where he died in 1769 at the age of 72. His *Account of the New Manufactory of Tapestry*, published in 1753, is probably the only contemporary description there is of carpet-making in England during the eighteenth-century, and is therefore of great historical interest.<sup>1</sup>

John's connection with this business seems to have been as London agent when the factory was at Exeter. As one of the early members of the Society for the Encouragement of Arts he would probably have come into contact with Parisot, but in any case he had a special reason for wishing success to the new industry, as according to the advertisements a considerable number of young girls found employment in the factory.<sup>2</sup> It will be remembered that as early as 1752 the proprietors

<sup>1</sup> *Encyclopædia Britannica*, Eleventh Edition ; article on "Carpet," by A. S. Cole ; *Biographie Universelle*, 1862 (under Norbert) ; letter dated August 18, 1760, describing a visit to Passavant's factory, in *A Journey from London to Genoa* by Joseph Baretti, 1770.

<sup>2</sup> e.g. advertisement in the *Public Advertiser*, January 14, 1756.

of the Universal Register Office had tried to promote the manufacture of Dresden lace with the same object in view, and John undoubtedly regarded Parisot as a means to this end.

The other undertaking was the Land-Carriage Fishery, a style which sounds odd to-day. It was one of the hundreds of attempts which have been made since time immemorial to improve the supply of fish to London, with the two-fold object of providing the population with cheap food and of maintaining a large fishing-fleet. Henry Fielding, in his *Voyage to Lisbon*, declared that "except that of sprats, there is not one poor palate in a hundred that knows the taste of fish," and suggested as one remedy "the absolute necessity of immediately hanging all the fishmongers within the bills of mortality." John Fielding made the same charge against this "combination of a few designing avaricious men" in his *Extracts from the Penal Laws*, and so did Colquhoun in his *Treatise on the Commerce and Police of the Thames* (1800).

The trouble was that the fishmongers owned the fishing fleet, and could therefore see that only a very small quantity of fish reached London, so that prices remained high. "Not a twentieth part of the fish that had been caught was sold, while the poor were distressed for food," said Colquhoun.<sup>1</sup> In an attempt to break this monopoly the Land-Carriage Fishery was established in 1761 by one John Blake, a guardian of the Orphanage. It was backed by an Act (2 Geo. III, c. 15) which allowed anyone, and not merely persons brought up in the trade, to send fish up to London to be sold. The vehicles, marked "Fish Machine Only," which brought the fish from Gravesend and elsewhere were freed from the heavy tolls normally paid by waggons, and allowed to travel on Sunday; but no fish other than mackerel could be sold on that day.

The Society for the Encouragement of Arts (the Royal

<sup>1</sup> This abominable practise goes on to-day at Billingsgate; tons of good fish are allowed to rot so that prices shall not drop unduly, although there are thousands in need of food.



Society of Arts) thought very highly of the scheme, and gave the promoters a bounty of £3,500, one of the largest sums ever given in pursuit of the Society's policy. The Government also granted £2,000. The scheme was not, however, very successful, and Blake resigned in 1765, though the plan seems to have been executed for a further twenty years or so.<sup>1</sup>

John Fielding, who in any case had to enforce the laws governing fish supply, was the originator of this plan, but he appears to have left it to others to execute. Writing to Charles Jenkinson, Under Secretary, on January 30, 1764, he said he had heard that a new plan for supplying London with fish was to be laid before Grenville. He asked Jenkinson to beg the Prime Minister not to come to any decision without consulting him, as he had gained great knowledge of the subject through promoting the Land-Carriage Fishery, which he had recommended "not only to Mr. Blake, but to the Society." "I am sure I should not mention this if I did not know I could be extremely useful," concluded John ingenuously.<sup>2</sup> The public still plays a losing game against the fishmonger, who nowadays, to the injury of high prices, adds the insult of telling us to "eat more fish."

<sup>1</sup> *Annual Register*, 1761 and 1765; Society of Arts, *Premiums and Bounties*, 1778, p. 53; *History of the Society* by Sir H. T. Wood, 1913, pp. 310-11.

<sup>2</sup> British Museum: *Additional MSS.*, 38,202, f. 68.

## CHAPTER IX

### KNIGHTHOOD AND A NEW PLAN

ON December 12, 1757, John wrote the following letter to the Duke of Newcastle :

MY LORD,

As the subject of the following letter is of the most delicate nature it requires more than candour ; nay, it stands in need even of the partiality of a friend, not to read it to the disadvantage of the author ; but having experienced both to a high degree in your Grace, I have ventured, without reserve, to expose it to your perusal.

Indeed I cannot avoid being conscious that soliciting honors is the poorest evidence of deserving them ; and when I consider how greatly I have been supported by your Grace, and how universally, among the best of people, my conduct, as a magistrate, has been approved, I think my ambition ought to retire and contentedly feast on self-approbation.

And I likewise know that a perseverance in integrity and an impartial administration of justice will ever secure to me that invaluable reward, the esteem of the praiseworthy. But as this activity in my office which has procured me these acceptable advantages has at the same time rendered me obnoxious to many bodies of people, who have been the objects of justice and whose wicked and oppressive designs have been by my vigilance obstructed (*viz.* sharpers and gamesters of all kinds, and all the publicans within the Bills of Mortality, on account of the Bill I drew against cheats and for punishing gaming in public houses which passed last Sessions. 2ndly, the pawnbrokers : having laid them likewise under some restrictions. 3rdly, those bodies of journey-



men of almost every trade whose combinations I have been industrious to break by the vigorous execution of penal laws, and lastly the malice of thieves and robbers) I think that if his Majesty would be graciously pleased to confer the same honor on me as he did on Sir Thos. Duveil, it would greatly conduce to my own safety, strengthen my power and add much to my influence.

And as it would be a public testimony of being protected and approved by my Royal Master, it would prevent mob insolence and facilitate the execution of any future plan I might be so happy to contrive for the public good.

I am confident that I am not in the least anxious for the increase of power to abuse it; nor is what I ask unprecedented however it may be undeserved; and I frankly own that my wishes to be still more useful, joined to the strong desire I have of receiving this mark of his Majesty's approbation is the true motive of troubling your Grace with this letter; the purport of which I must submit to your kind consideration and am resolved to rest satisfied with the event.

I am, with the highest respect,

My Lord,

Your Grace's most dutiful

and

the public's faithful servant,

J. FIELDING.

Bow Street,

12th Dec. 1757.<sup>1</sup>

John's candour makes comment on his request unnecessary. No one can say he did not thoroughly deserve the honour he craved. Moreover, as he shrewdly pointed out, it was good policy so to distinguish the principal metropolitan magistrate. Some four years later, on October 1, 1761, when he was just forty, he was called to the Palace and returned to Bow Street as Sir John Fielding.<sup>2</sup>

<sup>1</sup> British Museum, *Additional MSS.*, 32,876, f. 274.

<sup>2</sup> *Gentleman's Magazine*, October, 1761, p. 475.

Some time before October, 1761, John published the first edition of his *Extracts from such of the Penal Laws as particularly relate to the Peace and Good Order of this Metropolis, to which are added: Some General Cautions to Shopkeepers; and A Short Treatise on the Office of Constable*, to which I have already referred. The work is included in all bibliographies of Henry Fielding, as the "Treatise on the Office of Constable" was by him.<sup>1</sup>

The first edition was dedicated to the Duke of Newcastle. The object of the book, said John, was to draw attention to the penal laws in force in the hope that the "many disorders and irregularities" arising out of ignorance would be prevented, for "prevention, I am persuaded, will ever be more pleasing to the benevolent, than punishment."

"And I hope," continued John, "at the same time I make this offering of respect to your Grace, it will be some proof to you of my fidelity in the execution of that trust with which you have so long honoured me, by shewing your Grace, that I spend my whole time in an employment more fatiguing, more dangerous, more confined, and less satisfactory than any can imagine, or most will believe: An office which nothing but the exactest caution and strictest integrity can render either easy or secure; and nothing but the highest dishonesty, meanest venality, or basest corruption, can make lucrative."

In his address "to the Reader" he said that "the hurry of an employment which scarce affords leisure even for the common refreshments of life" had doubtless led to many inaccuracies, which he hoped would be pointed out. That he was an extraordinarily busy man is, I hope, already quite clear; that he did not exaggerate when he said that he hardly had time "even for the common refreshments of life" is borne out by a letter written by Mrs. Montagu to her fellow blue-stocking, Elizabeth Carter in 1766. Both were friends of Sarah Fielding's, who, as we know, lived mostly at

<sup>1</sup> There is no copy of the first edition in the British Museum; the one quoted here is my own.



Bath, but was evidently on this occasion staying with her brother in London. "So you went to dine with Mrs. Fielding, a very pretty fancy!" wrote Mrs. Montagu; "you might as well have dined with Duke Humphrey. Did she luxuriously feast you with a chapter of Epictetus? I hope her maid Sarah considered the grosser appetite of hunger, or you might come ill off, for I dare say poor Fielding never thinks of dinner till it is time to eat it."<sup>1</sup>

In the Introduction, after observing that "true liberty can only consist with those restraints which pure religion and good government lay upon mankind," and defining the word "police" in the terms already quoted, he summed up the general idea of the plan first put forward by Henry Fielding in 1753-54, which was "nothing more than enabling one or more magistrates to give up their whole time to the public; to be watchful over evils as they arise in society, and to suppress them in their infancy by a due execution of the laws." He then outlined the benefits of the Bow Street Criminal Record Office, as we may call it, to which I have already referred, and of which I shall have more to say.

He went on to make once more his point that London should have stipendiary magistrates: "It was intended that this magistrate should compose and reconcile the differences among the poor, and thereby prevent litigious suits; which, as they make rich men poor, must make the common people and their families burdens to their parishes: That he should be attentive by day and night to all information of fraud and felony, and be vigilant and indefatigable in the pursuit of offenders, by encouraging, instructing, and preserving harmony among the peace officers, and by rewarding them and all other persons assisting them in fatiguing and dangerous undertakings." (Here, of course, he was speaking as Commissioner of Police.) "For this trouble a competent salary should be allowed, that he might seek for no other advantage

<sup>1</sup> *Mrs. Montagu*, 1923, ii, p. 144. In 1762, Sarah Fielding published translations of Xenophon's *Memorabilia* and *Apologia*, a notable achievement for a woman; hence, no doubt, the reference to Epictetus.

either from the poor or the rich, than that of the happy opportunity of reconciling the differences of the former, and the pleasing task of preventing insults on the latter." It was also intended, he said, that the magistrate should, "by publication and every other means in his power, make the penal laws known, and enforce an obedience to them by a due execution thereof; for by making punishment less frequent, its effect is strengthened."

He concluded the Introduction with a sly hint to the Duke of Newcastle, who, as we shall see, was at this time sleeping on an entirely new and far-reaching plan which John had drafted. "And, it is not doubted, but that, when the first promoter of this plan of a police has leisure from matters of greater importance to complete it, the government of this metropolis will become as easy as that of a country village, and many happy effects arise from it without any restraint on the liberty of the subject: For, let the weak or wicked laugh at or abuse this police as they please, every true Briton must have this satisfaction to reflect, that no private person whatever, no watchman, beadle, constable, or magistrate, can unjustly deprive him of his liberty or property, with impunity." This was not easy optimism; he knew very well that no plan could succeed in making London as crime-free as "a country village" unless the public did their part in giving "immediate notice of all frauds and felonies, with exact descriptions of persons and things, on which account all expresses and messengers will be paid their expenses, and rewarded for their expedition, and their informations received at all times."

In the letter quoted at the beginning of this chapter, John referred to "any future plan I might be so happy to contrive for the public good." It is clear that he was determined to learn as much as he could from the plans already in operation at the end of 1757 before bringing out any fresh scheme, for it was not until April 10, 1761, that he returned to the subject. Then, in writing to the Duke for the half-yearly instalment of his salary, he asked his patron to "complete that work, which you so humanely begun, and which you have so long and so



nobly continued. For this purpose I have drawn out so simple and yet so unexceptionable a plan of police, as must infallibly secure peace and good order to the metropolis, and do immortal honour to your Grace. The immensity of your Grace's business has long shut me from your presence. But now I hope to have some opportunity of communicating and explaining this plan to your Grace, which the return of peace will make so necessary to be put into immediate execution, and I could wish to be examined on this head with exactest scrutiny, even by that most able and truly amiable peer, my Lord Chief Justice himself, the sooner likewise this be done, the better, as it might be useful to have the above plan considered before the new Commissions of Peace . . . come out." <sup>1</sup>

Obviously he was referring to this plan in the passage from the introduction to his *Extracts from the Penal Laws* just quoted. But *festina lente*, with the emphasis on *lente*, has always been Whitehall's motto, and it was not until the winter of 1763, some two and a half years after its preparation, that any effect was given to John's new plan. In the interval the Duke of Newcastle resigned, on which occasion John wrote him a simple and sincere letter, dated May 29, 1762, wishing him happiness in his retirement and thanking him for his many kindnesses since 1753, when the execution of the first plan for preventing robberies "from my brother's then infirm state, fell immediately to my lot." <sup>2</sup> The Duke returned to public life as Lord Privy Seal in Rockingham's government, 1765-66, then retired again, to die in 1768 at the age of 75. I have already noted that although he was adept in political corruption, he himself was honest, and died £300,000 the poorer for his half-century of official life. John's connection with him as an administrator ended in 1762, but no doubt their friendship continued.

All his life John kept outside politics, as befitted one

<sup>1</sup> British Museum, *Additional MSS.*, 32,921, f. 404. The peace talks of 1761 were abortive, and the Seven Years' War did not end until 1763. The Lord Chief Justice was Lord Mansfield (1705-93).

<sup>2</sup> British Museum, *Additional MSS.*, 32,939, f. 91.

in the position he had made for himself, and he was not therefore adversely affected by the succession of Bute to the office of First Lord of the Treasury in place of Newcastle, an event which Bute himself engineered. Had John's place been simply a matter of political patronage he would perhaps have lost much by this reversal; as it was, he was as in as strong a position as before, for Bute, some eight years his senior, was his kinsman and friend. Again, in 1763, when Bute gave way to George Grenville, John was able to pursue his public course without interference, and at the same time to keep up his private friendship with the displaced and disgruntled minister.<sup>1</sup>

It was George Grenville, as First Lord of the Treasury, in 1763-65, who gave effect to John's new plan, the abstract of which I shall now quote in full, for it has not hitherto been published, or, so far as I know, even referred to. Had it ever appeared in pamphlet form John would undoubtedly have been given very much greater credit for his reforms than has already been granted him by writers on police. Headed "Abstract of Sir John Fielding's Plan of Police," and undated, but clearly belonging to 1761-63, the paper is now bound up with the Liverpool manuscripts in the British Museum, for Charles Jenkinson, first Lord Liverpool (1727-1808) had to deal with it as Secretary to the Treasury under Grenville :

*Abstract of Sir John Fielding's Plan of Police.*

The causes of the frequent robberies and other disorders in, or near the City of London, are :

1st, the separated, and consequently weakened, state of the civil power in the said city.

2ndly, the want of a proper force being placed at the turnpikes near London to pursue robbers, and prevent their escape.

To remedy the first of these defects, Sir John Fielding

<sup>1</sup> See, for instance, British Museum, *Additional MSS.*, 5,726/D, f. 3, letter from John Fielding to the Earl of Bute, July 26, 1769, congratulating him on his return to England from travels abroad.



proposes that there be appointed five or six magistrates of police, properly qualified with a liberal education ; that they have separate offices, where they are to give regular attendance ; that they have fixed salaries, and therefore act without fee or reward.

Secondly, that their offices be in different parts of the town, there being a center, or principal one in Covent Garden. That each of the magistrates have a little country house at some small distance out of town, and adjoining to that part of it where his office is ; and that each be put into the Commissions of the Peace, not only for Middlesex and Westminster, but for the counties of Surrey, Hertford, Essex and Kent ; to prevent the loss of time which usually happens in getting warrants backed in those counties.

Thirdly, that the commissioners act upon one uniform plan, that they keep separate registers of their respective informations, and transmit copies of them to the Center Office, there to be kept in one general register ; and that the Secretary of War transmit to the said office the names and descriptions of all deserters.

Fourthly, that the clerk's fees of these commissioners be collected into one fund, and serve for the payment of rents of offices, and houses, of clerks' and messengers' wages, rewards to peace officers, and other persons who assist them ; advertisements ; opinions of counsel and prosecutions. That it serve also to pay the expences of a solicitor, who should be appointed to this Commission.

Fifthly, that these magistrates attend the first day of every term in the Court of King's Bench, and receive a charge from the Lord Chief Justice ; and that they afterwards in their turns, give a charge to the peace officers who are then attending ; that they meet also once a month at the Center Office, there to consider of reigning nuisances etc. That they note down effects in laws, and suggest the amendment of them to the Members of Middlesex and Westminster ; that they there settle also a Foot Patrole from Michaelmas to Lady Day between the hours of five and ten in the

fields about London, which Patrole may consist of a peace officer and of one of the messengers of the above-mentioned offices.

Sixthly, that the Lord Lieutenant of Middlesex write every year to the Chairman of the Sessions, preceding the time of licensing of public houses, directing him to call the several magistrates together and to give them in his Majesty's name, proper cautions in relation to the licensing of public houses.

Seventhly, that a paper be established by law, in which everything relative to the discovery of offenders should be advertised, and that all persons be bound to take notice of whatever is advertised therein; and if they have purchased, or taken into pawn, any stolen goods, therein described, to give information thereof to one of the Commissioners, otherwise to be liable to be prosecuted as the receiver of them; and that all persons who knowingly harbour, or assist offenders to escape, should be liable to a penalty to be levied by any two of the said Commissioners, and, if a publican, to forfeit his licence for three years.

Eighthly, that a better method be followed than what is practised at present, for lighting the streets, particularly that the lamps be not fixed on the side of houses, but on the outside of the footway, and that the expences of this be defrayed by every parish according to a rate made for that purpose. That the lamps also be extended along the roads or dead walls to the end of the Bills of Mortality tho' there be no houses. That the method also of keeping the Watch be amended, and particularly that there be two watchmen on each station, instead of one, so that they may relieve one another.

Sir John Fielding having thus provided a remedy for the defects of the civil power as at present constituted, proposes secondly a remedy for the other defect he had stated, viz. the want of a proper force to pursue offenders and prevent their escape.

For this purpose, he proposes that a regiment of Light Horse be always quartered in the environs of London, who are to place centinels or pursuers at the



several turnpikes adjacent to their several stations, that in the day time there be one centinel at each turnpike and in the night two ; that a subaltern officer or sergeant go regularly the rounds by day and by night. That once a day a sergeant belonging to each troop make his report to the commanding officer of what has happened, who is to transmit a copy of the same report immediately to the Center Office of Police, from whence, if it contain any information of robbery, it is to be circulated to the other offices.

Secondly, that there be sheds built at the respective turnpikes, to shelter the men and horses from bad weather. That in case of any robbery, the centinels should immediately pursue the offenders collecting their force as they go along ; that if they succeed in apprehending them, they should receive a reward from his Majesty above what is allowed by Act of Parliament, and lastly, to assist further in preventing escapes, the name of the constable who lives nearest to the turnpike should be accurately wrote on a card and nailed to the turnpike, in order to revive the practice of raising Hue and Cry for other purposes.

Sir John Fielding thinks that by these means in a few years a total stop may be put to all kinds of robberies near this metropolis. That while the interior force operates towards removing the causes of these offences, the exterior force will deter persons from the commission of them and that in proportion as the civil power recovers its dignity, the exterior force will become unnecessary. He thinks also that as any person whatever, by the laws of this kingdom, may pursue and apprehend felons, no fair objection can be made to the placing of the above troops for the purposes above-mentioned as they are intended to cooperate with, and act under the civil power.<sup>1</sup>

This, then, was the "simple yet unexceptionable" plan of police which John had ready by April, 1761. How it was acted upon will be dealt with in later chapters,

<sup>1</sup> British Museum, *Additional MSS.*, 38,334, f. 75.

when it will be seen that its most important provision, the establishment of regular police-courts presided over by stipendiary magistrates, was not given effect until 1792, twelve years after John's death, and then only in a half-hearted manner. Had he been allowed to put the entire scheme into practice in 1763 it might very well have been the cause of a phenomenal decrease in serious crime in London, for it must be remembered that the turnpikes meant that no one could enter or leave London by road without coming under scrutiny, while in an emergency the roads could be readily closed and all vehicles and riders examined. In short, if made the most of, the turnpike system provided London with a barrier as thief-proof as might be. We are now regaining some of this advantage by the installation of telephone-boxes and electric signals, by which means the police can be quickly warned to watch all exits from a town, but naturally the vast area of London makes a perfect barrier possible only in the City, which is now surrounded by alarm-posts actuated from the headquarters of the City police.

This chapter may end on a small but not uninteresting incident belonging to 1761 or thereabouts. A post-chaise had been held up and robbed near Hounslow Heath, and after the highwayman had decamped the owner and his driver unharnessed their horses and gave chase. They had not gone far when they saw a young man, with a bridle upon his arm, grubbing about under a hedge. "Here he is!" shouted the pursuers, and seizing the lad, drove him forthwith to Bow Street, despite his violent protestations. There he was charged with a highway robbery, and John accordingly examined him. In a very few minutes the prisoner satisfied John of his innocence, and was released with apologies from his captors. His name was Joseph Banks, and he had been peacefully pursuing the study of botany that ultimately earned him undying fame.<sup>1</sup>

<sup>1</sup> *Life of Sir Joseph Banks* by Edward Smith, 1911, p. 7.



## CHAPTER X

### THE HORSE PATROLE

As this chapter is mainly concerned with events of 1763 it may begin with a story of that oddity, James Boswell. On July 6 of this year Johnson was engaged to sup with his disciple at the latter's lodgings in Downing Street. At the last moment, however, the eager host had to have a row with his landlord ; but he shall tell the story himself :

“ But on the preceding night my landlord having behaved very rudely to me and some company who were with me, I had resolved not to remain another night in his house. I was exceedingly uneasy at the awkward appearance I supposed I should make to Johnson and the other gentlemen whom I had invited, not being able to receive them at home, and being obliged to order supper at the Mitre. I went to Johnson in the morning, and talked of it as of a serious distress. He laughed, and said, ‘ Consider, Sir, how insignificant this will appear a twelvemonth hence.’ Were this consideration to be applied to most of the little vexatious incidents of life, by which our quiet is too often disturbed, it would prevent many painful sensations. I have tried it frequently with good effect. ‘ There is nothing,’ continued he, ‘ in this mighty misfortune ; nay, we shall be better at the Mitre.’ I told him that I had been at Sir John Fielding’s office, complaining of my landlord, and had been informed that though I had taken my lodgings for a year, I might, upon proof of his bad behaviour, quit them when I pleased, without being under an obligation to pay rent for any longer time than while I possessed them. The fertility of Johnson’s mind could

show itself even upon so small a matter as this. ‘Why, Sir,’ said he, ‘I suppose this must be the law, since you have been told so in Bow Street. But if your landlord could hold you to your bargain, and the lodgings should be yours for a year, you may certainly use them as you think fit. So, Sir, you may quarter two life-guardsmen upon him ; or you may send the greatest scoundrel you can find into your apartments ; or you may say that you want to make some experiments in natural philosophy and may burn a large quantity of assafoetida in his house.’ ”

The party was given successfully at the Mitre. Boswell took John Fielding’s advice, not Johnson’s, and moved into his friend Temple’s lodgings in Farrar’s Buildings, at the bottom of Inner Temple Lane.

To turn to more important matters. The first step towards putting the magistracy on the basis suggested by John in his plan, that is to say on its present footing, was taken by the Middlesex bench, which was inclined to be jealous of Westminster. On April 7, 1763, it was suggested by a large number of Middlesex justices that it would be useful to open “several Public Offices at proper and convenient distances from each other for two magistrates to sit daily by rotation (Sunday excepted) in each of those offices for the administration of justice.”<sup>1</sup>

The Westminster justices followed suit. “In order to extend the benefits arising from this useful police to the public,” said John in a general notice concerning Bow Street, “to improve the plan itself, and to lessen the fatigue of its execution, at present very great to Sir John Fielding, several magistrates have agreed to sit by turns in Bow Street, to assist that gentleman, and that this plan may be as disinterested as it is useful, it is agreed that all fees taken at that office, during this rotation, shall be applied (the annual expenses being first deducted) to the above public services : And as

<sup>1</sup> Middlesex Guildhall : *General Orders of the Sessions*, April 14, May 19, 1763.



the Justices of the Peace for the City and Liberty of Westminster unanimously resolved at their last Sessions to establish a rotation at Guildhall for the transaction of common business, which has been continued ever since, it is not doubted but the civil power of that City and Liberty will soon be fixed on a desirable and respective footing." The three "rotations" in Westminster were at Bow Street, where only cases of felony were heard, at Lichfield Street, where Saunders Welch opened a public office instead of hearing cases at his private house in Long Acre, as hitherto, and at Guildhall. This scheme left John free to deal with important cases at Bow Street, all ordinary business being left to Saunders Welch and the Sessions.<sup>1</sup> A minor result of this reorganisation was that the word "rotation" at once became the craze, if "Tom Tipsey's" "Essay on Fashionable Words," already mentioned, is to be believed.

This did not do as much as was hoped, both by John and the Middlesex bench, to do away with the "trading justice." The fact that at Bow Street, which was universally recognised as being honestly conducted, only serious cases were heard after 1763, made it possible for the Lichfield Street justices to profit from the prostitutes, beggars and other minor offenders who were brought before them. Saunders Welch himself was honest, but he gradually lost interest in his work, and left much to his assistants, who were rogues. Moreover, there was still room for the unattached justice to conduct his trade from his own house.

In 1764 John was instrumental in removing three of these men for scandalous behaviour in their office. According to the memorandum sent to Lord Halifax, Secretary of State, by John and one of his assistants, William Kelynge, the Westminster justices in question were Lieutenant Richard Manley, who had been discharged from the navy on May 8, 1759, "for drunken, scandalous, infamous, cruel, oppressive and fraudulent behaviour"—hardly a satisfactory person to dispense justice; "Benjamin Cox, grocer, had his scales broke

<sup>1</sup> *Public Advertiser*, August 2, 4, 8, October 3, etc., 1763.

and his weights cut to pieces at his door about two years ago by the Annoyance Jury belonging to the Burgess' Court, the said weights being notoriously deficient"—which was symbolical; and "Samuel Waddington has prostituted and dishonoured the Commission of the Peace by executing his office in different ale-houses, by borrowing money of gaolers and constables, never repaying the same, and by encouraging litigious suits amongst the poor as well as by other scandalous practices, and he has now left his house."<sup>1</sup> Altogether a fine crew.

The fact was that, though the establishment of Rotation Offices was a step in the right direction, the position was not materially improved until the Government did what John constantly recommended, which was to put the magistracy on a stipendiary basis. This was done by the Middlesex Justices Bill of 1792, and even this was conceived in such a niggardly spirit that the evil of the "trading justice" remained until the formation of the Metropolitan Police in 1829. Nevertheless, the improvement after 1792 was such that in evidence before the Select Committee on Police, 1816, the Clerk of the Sessions at the Old Bailey said that "there was but one Public Office, that in Bow Street, before the passing of the Police Bill (1792), besides this there were none but 'trading justices' who looked almost exclusively to their own interests."

In 1763 or 1764 the Westminster justices were raised from "Hell," the tavern by Westminster Hall, "at the bottom of the stairs leading to the House of Commons," to a proper Court House in King Street, Westminster. The house was secured and prepared for its new function by the Earl of Northumberland, Lord Lieutenant of Middlesex (later the first Duke of Northumberland of the third creation) at a total cost of about £4,000. Naturally this added greatly to the prestige of the Westminster bench, and it need hardly be said that it was John who urged Percy on.<sup>2</sup>

<sup>1</sup> *Entry Book*, S.P. 144/138, pp. 182-83.

<sup>2</sup> See p. 249. King Street, now built over, ran parallel with Whitehall from Downing Street to Broad Sanctuary. The old Sessions House



From 1762 onwards John had the Bow Street house direct from the Duke of Bedford, having previously been the tenant of one Mary Wright, the assignee after Sir Thomas De Veil. In a later chapter I shall quote a letter from John to Duke which shows that if the latter did not actually pay the rent himself he certainly paid the fine of £300 taken in 1763 in order to reduce the rent to the nominal figure of £10 a year. The house soon became too small for the amount of business which had to be transacted, and in 1797 the landlord of the Brown Bear opposite (now the Globe) was paid £20 for making a strongroom for prisoners,<sup>1</sup> and later this house was also used as a Public Office. In 1823, the next house south was added to the original premises, which remained in use until 1881, when the present building was opened on the opposite (east) side of the street.

By way of promoting *esprit de corps* among the Westminster justices, John occasionally managed to get the Treasury to pay him an entertainment allowance of £120 for dinners.<sup>2</sup> On one occasion, after the re-opening of Parliament on June 9, 1771, John had the pleasant duty of informing Sir Stanier Porten, Lord Rochford's Under-Secretary, that nine magistrates, among them William Fielding, Henry's son, "dined at St. James's, where they were entertained and treated in the most hospitable and becoming manner. They retired very happy, nor was the Earl of Rochford's health forgot on this occasion."<sup>3</sup>

In December, 1765, he obtained the King's permission for the Westminster justices to wear a gold badge bearing the arms of the City of Westminster, such as is shown in the portrait painted by M. W. Peters in 1778. The objects of the badge were to protect the justices "and to procure a more ready

was approximately on the site of the present Middlesex Guildhall adjoining Westminster Hospital.

<sup>1</sup> *Commons Reports*, XIII: Finance Committee, 1788, Appendix, p. 380.

<sup>2</sup> *Commons Journals*, XXXII: Accounts, 1752/69, pp. 557, 565, 592.

<sup>3</sup> S.P. 37/8, f. 84/14.



SIR JOHN FIELDING  
as Chairman of Westminster Quarter Sessions.

*(Painted by W. M. Peters, R.A., and engraved by W.  
Dickinson, 1778.)*

*[To face page 146.]*





obedience to the laws.”<sup>1</sup> This sounds rather strange to-day, but that John was not merely giving vent to a desire to show off in asking for the badge is proved by Jonas Hanway’s confirmation of the necessity of some such distinctive mark. “Every magistrate, upon a regular appointed salary,” he wrote in 1775, “should bear a badge of his office, hung by a ribbon, from a button-hole on his breast; not only that being known, notice might be communicated to him of irregularities; but that he might be respected as a ‘guardian of the police.’”<sup>2</sup> I must repeat that at this time the magistrate was primarily a policeman, and therefore it was desirable that he should be given something uniform to wear, however small.

Another point in the first part of John’s new plan was that the Secretary of War should transmit to the “Center Office” at Bow Street “the names and descriptions of all deserters.” This idea was adopted, the War Office paying John £20 a year towards the cost of keeping records at Bow Street, and ever since it has been the rule for the services to send information of this kind to the “Center Office” of police, the authority nowadays being the editor of the *Police Gazette* at Scotland Yard.<sup>3</sup>

John’s suggestion that the police should have their own paper for the circulation of information will be dealt with in due course. The eighth and last point of the first part of his plan, that the streets should be more efficiently lighted, was acted upon at the same time as the formation of the Horse Patrole, which is the next innovation we have to consider.

In asking for a cavalry troop to act as a pursuing force or flying squad, the gist of the second part of his plan, John asserted “that as any person whatever, by the laws of this kingdom, may pursue and apprehend

<sup>1</sup> *Annual Register*, December, 1765, p. 153; *Entry Book* S.P. 44/141, p. 54, letter from H. S. Conway, Secretary of State, to Sir John Fielding, December 2, 1765, signifying the King’s permission.

<sup>2</sup> *The Defects of Police*, by Jonas Hanway, 1775, p. 238.

<sup>3</sup> Public Record Office: *War Office Papers, Secretary of State Miscellanies*, 1763.



felons, no fair objection can be made to the placing of the above troops for the purposes above-mentioned as they are intended to co-operate with, and act under, the civil power."

This proposal was not adopted. The employment of troops at the turnpikes would probably have involved re-organising the forces in London, which would have led to some expense, and the Treasury grudged every penny of the few hundreds of pounds that were being spent on police, although this modest sum was productive of far more good than the thousands laid out in rewards. The great objection to the idea, however, was undoubtedly the illogical but none the less cogent one which John sought to disprove in the sentence quoted above; namely, that troops should be used to aid the Civil power only in cases of dire necessity. That by this suggestion the military were to be used entirely against criminals, and not at all against the mob, and that there was no other regular force in existence which could be substituted for them, were arguments which carried no weight against the force of public opinion.

As it happened, John Fielding was well rid of the military, for in February, 1766, it was learnt at Bow Street that as many as seventeen troopers of Elliot's Light Horse had for some time been increasing their pay by "going on the scamp" when off duty. Acting on this information Major Spinnage, one of the assistant justices at Bow Street, and John's clerk, took coach to Hounslow to seek particulars of the gang. Suddenly, as they were nearing the Heath, they were held up by two of the very men they had come to discover. The clerk immediately fired and wounded one, who made off as fast as he could, and Spinnage captured the other. Later the wounded man was also taken. Returning to Kensington Barracks, furnished with the names of the rest of the gang, Spinnage had the fifteen of them put in the guardroom; three, however, managed to escape out of the window. "The commanding officer at the guardroom made some remonstrance on delivering up

so many men, as his Majesty might want them the next day; the Justice replied, they were then in the Civil power, and it would be much better for his Majesty to travel without guards, than be protected by highwaymen and footpads." There was no answer to this. John at once informed Henry Seymour Conway, Secretary of State for the Southern Department, of the affair, and he in his turn informed the King.<sup>1</sup>

Refused the assistance of the military, John had to fall back on the little force of trusted ex-peace officers instituted in 1753. We have already seen that from 1756 onwards he occasionally set two horsemen to patrol the roads leading to much-frequented places of amusement such as Ranelagh and Sadler's Wells. In the autumn of 1763 George Grenville, Prime Minister (First Lord of Treasury) and Chancellor of the Exchequer, granted him funds to experiment with a horse patrol numbering eight men, and finally ten.

The formation of this patrol was accompanied by a campaign in the press for the improvement of street lighting, the eighth and last point of the first part of John's plan. "Last night," reported the *Public Advertiser* of September 30, 1763, probably at John's request, "the lamps were lighted from Mile End Turnpike to Maryland Point, and to the Four Mile Stone on the Rumford Road; and also on the City New Road; and patrols ordered to attend the passengers; which we hope will be followed by all the villages around this metropolis. It will be a means of securing honest people, and of intimidating rogues." During October there were many more references in the same paper to street lighting; on October 12, for instance, our old friend "Tom Tipsey," whose essay on "Fashionable Words" has been immortalised by the *Oxford English Dictionary*, wrote a long letter on his nocturnal misadventures in lampless, unscavenged streets, and accused the justices, except "that ever-vigilant magistrate in Bow Street,"

<sup>1</sup> *Annual Register*, 1766; *Correspondence of George III*, edited by Sir John Fortescue, 1923, i, p. 249. There were two Justices Spinnage, John and William. Both were sworn for Middlesex on October 15, 1761 (Middlesex Guildhall records).



of negligence in failing to execute the laws in relation to lighting. All this bore fruit, for on April 29, 1764, the sum of £10,000 was granted by the Treasury for the paving and lighting of Westminster.<sup>1</sup>

It is not clear whether the patrol mentioned by the *Advertiser* in September 30 was mounted or not. The eight horsemen authorised by Grenville first took the road on October 17, according to an announcement John made in the *Advertiser* of October 15 and 18, and were supplemented by "a private Foot Patrole, consisting chiefly of Peace Officers." From reports in the paper on October 3, 7 and 11, it is, however, clear that some horsemen, if not the entire force, were already on the roads when John publicly announced Grenville's approval of the idea.

On October 19 John wrote to Grenville as follows :

Sir John Fielding presents his most respectful compliments to the Right Honble. Mr. Grenville : it is with the greatest pleasure he acquaints him that the Horse Patrole established through his means gives infinite satisfaction to the public, especially those who inhabit in the neighbourhood of London, many of whom I have spoke with.

Sir John Fielding also thinks it his duty to give you the earliest notice, that the number of horsemen employed for this useful purpose, being only eight in number, appear on trial to be too few by two to cover the necessary ground, which would make the whole complete.

At present we shall be obliged to have one avenue unguarded every night, but as this will be a secret to everyone but myself, it may not perhaps be attended with any ill consequence.

The additional expense of two horsemen for the time will be 150L. but you may be assured that I will use my utmost endeavours to make the eight already granted as useful as possible. Leaving, therefore, this matter

<sup>1</sup> Public Record Office : *Treasury Papers : Public Money Issues*, 1764, reference T.38/715.

to your consideration, I beg leave, with all due respect, to subscribe myself, etc.<sup>1</sup>

From this it appears that each man was expected to cost £75 for the season, which was from October 1 to May 31, the period of long nights when crime is always at its height. Presently I shall show that John considered it essential that the patrol should be made permanent.

On October 24 the *Public Advertiser* published, undoubtedly at John's request, the following details of the organisation of the patrol: "We hear that the present Horse Patrole passes by Pimlico and Chelsea, and along the King's Road to Fulham, and thro' the turnpikes at Hyde Park and Hammersmith to Brentford, round Acton, Ealing, Tyburn, Paddington, Tottenham Court, Hendon, Highgate, through Holloway to Islington, Stamford Hill, Shoreditch, the New City Road, Whitechapel, and on the Surrey side, over Westminster Bridge to Greenwich, Clapham, Newington, Kennington Lane, and towards Wandsworth; and that in case of notice of any robbery, left at any of those turnpikes, committed farther on, they have directions to collect their force, and pursue to any distance; and as this Patrole is constantly in motion, every part of these roads is constantly guarded.

"We hear that most of the Commissioners of the several turnpike roads round London, have politely offered to Sir John Fielding that the Horse Patrole . . . shall be permitted to pass and repass toll free."

On October 31 the paper announced that men at the turnpikes had been given horns to blow to summon the patrol in case of need.

It will be seen from the above that a very large area was covered by these horsemen, the ancestors of the modern flying squad. Roughly-speaking their district extended eight miles west and north of Charing Cross, and five miles east and south. It is important to remember that in 1763 the metropolis was bounded by Park Lane in the west, "The Angel," Islington, in the north,

<sup>1</sup> *Grenville Papers*, 1851, ii, p. 141.



Whitechapel in the east, and Kennington in the south. Chelsea, Kensington, Paddington and so forth were outlying villages, while Brentford, Hendon and Greenwich, for example, were really remote; after all, even in these days of "London Transport" the last-named are still considered fairly far afield. The new horse patrol, therefore, from the start took in as much ground as was necessary not merely to keep criminals out of the west-end but out of the suburbs as well.

From the following letter, dated November 1, 1763, it will be seen that Grenville authorised the two additional men requested by John on October 19, for ten names are given. The exact nature of the complaints made against John Fielding does not appear, but his letters enables us to guess that he and his patrol were maligned by someone who had probably found them rather too efficient for his comfort:

Sir John Fielding presents his respectful compliments to Mr. Grenville, is infinitely obliged to him for the perusal of the paper dated from Whitechapel, the author of which he will spare no pains to trace, as the infamous falsehoods it contains are wickedly calculated to prejudice you against me, and thereby to rob me of that confidence without which my most earnest endeavours can do but little good. The very same trick was played me with the Duke of Bedford and was as fruitless as it was wicked. I am almost ashamed to make any answer to it, but as you must naturally wish to know that your good intentions towards the public are not abused with reference to the Horse Patrole, I think it is proper to acquaint you that no step of that kind ever gave such general satisfaction, and its good effects, I may say with truth, have been already felt, but two robberies having been since committed by two footpads who are detected and found to be soldiers in the guards. The person who finds the horses for the patrole is one Barber at the George in Long Acre, he has four shillings per night for each horse; the men who ride have also four shillings per night besides contingent expenses, the

necessary arms to equip them cost £23 ; there is also a person occasionally employed to ride round and see that the men are on their duty. This expense calculated for six months will scarce come within the money allowed, so that in this article there can be no abuse. The turnpikes certainly do let the patrole pass thro' free. I spoke to several of the treasurers myself, and since I was honoured with yours I examined the whole patrole myself as to this point who informed me that they go thro' all the turnpikes, except Hyde Park, toll free.

Now, sir, as to the men themselves whom the ingenious correspondent calls thieves. Their names and occupations are as follows :—Mr. Wm. Smith, Court Keeper of Guildhall and one of the constables for the City and Liberty of Westminster ; Mr. Richard Higgins, a baker, and now one of the constables for the City and Liberty of Westminster ; Mr. Wm. Langrid, Chandler, and now one of the constables for the County of Middlesex ; Mr. Tho. Adams, Chandler, and late one of the constables for the City and Liberty of Westminster ; Mr. Tho. Street, a publican who keeps the Tap at the New Prison in Clerkenwell ; Mr. Wm. Pentlow, son to the Keeper of New Prison, and late in Hales Light Horse ; Mr. Partridge late a constable for the County of Middlesex ; Wm. Wright a person formerly employed by me, who has been at sea during the war ; Jonathan Fordsam, my own coachman, and one Richard Fuller, the person who was the means of discovering the whole Coventry gang. . . . None of these were ever charged with murder or tried for felony. . . . As to the four hundred pounds per ann. allowed for the use of the Police no part of it is paid away without proper receipts and those receipts are every year laid before the Lords of the Treasury, consequently speak for themselves, and I do assure you upon my honour that it has done more good to this country than forty times the sum is worth.

As I am pressed to speak of myself, I hope you will forgive me when I say that I am neither selfish nor extravagant ; in the first place I am not in debt, secondly



besides my own family I maintain all my late brother's consisting of his widow, two sons, a daughter and his sister. To the widow I pay sixty pounds per ann., to his daughter forty pounds per ann., to his eldest son who is at sea thirty pounds per ann., to his youngest twenty pounds per ann., to his sister of Bath twenty pounds per ann. And as I execute my commission in the most disinterested manner, the fees of office only pay the expense of office, and tho' Westminster justices are not men of the first repute, I know no man's public or private character that will bear a stricter scrutiny than my own, which is my glory and my happiness, and few men have been more industrious to render services to his country nor many more successful. I speak thus bold because I wish for the honour of your confidence which from your knowledge and great experience I am persuaded I shall not have without your making a strict enquiry, nor would I wish to have a trust that I could be thought unworthy of. You have hitherto done me great honour: I have openly acknowledged it<sup>1</sup>: this perhaps has produced the malicious letter you sent me. But not to engross more of your precious time I shall conclude by declaring that no one can have stronger desires of serving his country than myself, and that whatever trust you shall think proper to honor me with, I shall discharge with diligence and fidelity, and am, with all due respect, honoured Sir,

Your most sensibly obliged and

obednt humble servant

J. FIELDING.

P.S.—The labour of the horse patrolle is so severe and hazardous that I am rather surprised than otherwise that I have such proper persons to undertake it for a constancy.<sup>2</sup>

This long letter needs a word or two of comment. I have already dealt with the noble provision John made

<sup>1</sup> In his announcements of the patrol in the *Public Advertiser*.

<sup>2</sup> I am indebted to Mr. J. Paul de Castro for this letter, copied by him in 1913 from the original, then in the possession of the late Mr. A. M. Broadley. The first part is reprinted by Armitage, pp. 64–66.

for Henry's family. There is no denying that his self-praise, as shown here and in other letters, is irritating. But it must be remembered that his career was one long struggle against malice and incompetence; the malice not only of the criminal classes but also of the law-abiding, for the jobbery that cankered the public services at this period made every place-holder a suspect, particularly if he were a Westminster justice, one of a body which was on the whole disreputable; the incompetence of every kind of public servant from watchman to Secretary of State. It was John's burning desire to make London safe for its citizens, and it was not mere vanity that led him to believe that he was doing more to this end than any other man of his time; it was plain for everyone to see, and he would have been guilty of false modesty, indeed he would have served the public ill, if he had failed to make known to his superiors the extreme importance of his work. It is practically impossible for us who are used to a regular police force to appreciate fully the difficulty experienced by John Fielding in emphasising the necessity of reducing the police of London from madness to method. Above all, it must never be forgotten for a moment that he was stone blind, and gifted though he was with that wonderful sixth sense which the sightless develop, he must have felt that his enemies had him at a peculiar disadvantage, and he may therefore be forgiven for being, perhaps, unduly apprehensive of their power. But he was too much of a man ever to refer to his great disability in his letters to Whitehall; he never asked anyone to pity the blind.

On November 2, 1763, John inserted in the *Public Advertiser* a notice which is, I think, a very remarkable instance of the truth of the old tag *plus ça change, plus c'est la même chose*:

“Whereas persons of fashion and others, riding in and about this town, are put in daily fear, and as many valuable lives of his Majesty's subjects have been frequently lost, and as our hospitals are daily crowded



with miserable wretches under the grievous afflictions of fractured skulls, broken limbs and fatal bruises ; and these respective nuisances and misfortunes arise in a great measure from the wilful neglect, or misbehaviour of drivers of carts, cars and drays. . . . To prevent therefore these mischiefs . . . this public notice is given, that by means of the Horse Patrole, lately established, a plan will be speedily executed, to bring the drivers of those carts, cars and drays who shall resist the laws after this notice to immediate justice ; and as a farther prevention, extracts of these laws will be pasted up on all the turnpikes round London, and be delivered by the turnpike men to the drivers of all carriages as they pass."

Few streets had footways at this time, and there were no "islands" at all, so the pedestrian was very badly off indeed. The feelings of the poor wretch who has got stuck in the middle of the road were described for all time by Gay in *Trivia* (1716) :

On either hand

Pent round with perils, in the midst you stand,  
 And call for aid in vain ; the coachman swears,  
 And car-men drive, unmindful of thy prayers.  
 Where wilt thou turn ? Ah ! Whither wilt thou fly ?  
 On ev'ry side the pressing spokes are nigh.  
 So sailors, while Charyodis' gulf they shun,  
 Amaz'd, on Scylla's craggy dangers run.

"We are very glad to watch an opportunity to whisk across a passage, very thankful that we are not run over for interrupting the machine, that carries in it a person neither more handsome, wise, nor valiant than the meanest of us," was Steele's pertinent comment in *Tatler* No. 144 (1710). The great danger to which John Fielding constantly drew attention in the *Public Advertiser* and elsewhere was the carmen's neglect of the law, still in force, forbidding them to ride on carts drawn by more than a pair of horses unless there was another man mounted or on foot to act as leader. One of the entries in the Bow Street accounts, it will be remembered, con-

cerned a reward "to a chairman for pursuing a carman riding on his cart, and wilfully driving against a lady's coach," and this kind of thing was, apparently, very common. In issuing handbills warning drivers of possible offences John acted on the principle that prevention was his first duty, which guided him throughout his career.

In his *Extracts from the Penal Laws* (1761) John summed up the root cause of road accidents in words that are as true to-day as ever; "the increase of business, arising from the advancement of commerce, the addition of inhabitants, and the crowding of buildings in this metropolis, occasioned some mischiefs, and many accidents, from the inhabitants considering too much their own conveniency, neglecting the laws of society, and forgetting that noble rule of doing as we would be done by." He went on to detail the law on obstruction, dangerous driving and so forth.

In the 1768 edition he drew attention to a danger which Wilkes, of all people, helped to stamp out during his mayoralty (1774-75): "Persons driving cars, carts, and other carriages, doing damage to any of his Majesty's subjects wilfully or negligently, are liable to pay a penalty or to be committed to prison," wrote John. "If the drivers of oxen from Smithfield to the slaughter-houses were subject to the same penalties for the like offence, it might be the means of saving the lives of many of his Majesty's subjects who are so frequently gored by what they call over-drove oxen; for these mischiefs generally arise from the cruelty or folly of the driver, and if every butcher was obliged to put a round smooth knob of wood . . . upon the horn of every beast so purchased, it would in some measure prevent the effects of their horns, when they attempt to gore."

The Horse Patrole was, then, used on duties now performed by the flying squad and the mobile police; that is to say, it was concerned with both crime and traffic. As we have seen, it was intended only as an experiment during the dangerous winter months, and the Treasury grant in aid of it appears to have ceased



as a matter of course on May 1, 1764, when the six months had expired. John urged most strongly that the patrol should be made permanent. The difficulties in his way may be judged from the fact that he had already experienced the greatest trouble in persuading the Treasury to hand over the sum that had been duly authorised. Thus on December 16, 1763, he had to write the following letter to Charles Jenkinson, First Secretary of the Treasury :

Sir John Fielding presents his respectful compliments to Mr. Jenkinson, begs leave to acquaint him that, notwithstanding the dispatch which Mr. Grenville so obligingly gave to the affairs of the Police, I have not still got by me their Lordship's order on Mr. Webb<sup>1</sup> for the £600. I have sent message on message to him but in vain, he now says he has not got the money to pay it, and as this delay in some measure defeats his Majesty's kind intentions to the public in this behalf, stops the payment of the printers and other bills usually paid at this season and obliges me to advance money for the current and necessary expenses, I should take it as a particular favour, if you could by any means forward this matter.<sup>2</sup>

Poor John ! The Treasury is still a tough crib to crack ; when it was run by people with influence as a charity for people with influence money for a useful purpose came from it as blood from a stone. However, it seems that the above letter bore fruit, as he did not return to the attack.

His next move was to press for the permanent establishment of the Horse Patrole. On March 28, 1764, he wrote to Jenkinson to remind him that the half-yearly instalment of his salary was due, and said that he would " soon have an occasion to pay his respects to Mr. Grenville, and to acquaint him with the very good effects of the Horse Patrole he established this winter." <sup>3</sup> Probably the meeting John proposed never took place ;

<sup>1</sup> Philip Carteret Webb, Solicitor to the Treasury.

<sup>2</sup> British Museum, *Additional MSS.*, 38,201, f. 328.

<sup>3</sup> *Ibid.*, 38,202, f. 202.

at any rate, it will be seen from the following letter, dated June 28, 1764, that Jenkinson merely sneered at his persistence, until he found that John was in deadly earnest :

Sir John Fielding presents his respectful compliments to Mr. Jenkinson ; thought it his indispensable duty to his country to transmit to him the enclosed account of robberies committed since Monday night last, and to acquaint him that in consequence of these repeated informations, he last night sent a foot patrolle consisting of a peace officer and three assistants, into the fields near Tyburn and Tottenham Court Roads, to search the ditches where footpads have lately infested, that before they got out of the coach which carried them to the spot, they narrowly escaped being murdered, by three footpads, who without giving them the least notice fired two pistols immediately into the coach, but thank God without effect ; two of them were afterwards taken, though not before one of them was dangerously wounded ; all which circumstances might, I am convinced, been prevented. There is nothing I so sincerely lament as the want of an opportunity of convincing Mr. Grenville of the amazing importance of the police to Government ; for notwithstanding his most laudable resolution not to lay any permanent expense on the Crown that can be avoided, yet I am sure that he will never spare any necessary expense where public good is the object. For my part I can only propose and inform, which I shall always do most faithfully ; but, in justice to myself, cannot conclude this letter without assuring you that your manner of behaviour to me the other morning gave me much real concern, it being totally different from any that I have ever received from any person, in any department whatever, on whom I have been obliged to attend, in consequence of my miserable employ. However, I still hope that time will convince you how little I deserve the most distant diffidence. Your sincere friend, and the public's faithful servant,

JOHN FIELDING.



Jenkinson was soon to become one of George III's particular friends ; indeed, from 1770 he was, according to Horace Walpole, " the sole confidant of the King " ; " Jenkinson was able, shrewd, timid, cautious, and dark ; and much fitter to suggest and digest measures than to execute them. His appearance was abject ; his countenance betrayed a consciousness of secret guile ; and though his ambition and rapacity were insatiate, his demeanour exhibited such a want of spirit, that had he stood forth as Prime Minister, which he really was, his very look would have encouraged opposition ; for who can revere authority which seems to confess itself improperly placed, and ashamed of its own, awkwardly assumed importance ! " <sup>1</sup> Whether or not Walpole exaggerated, it is at least beyond question that John Fielding was not alone in finding Charles Jenkinson an unpleasant fellow.

" The enclosed account of robberies committed since Monday night last " read as follows :

" 1. Christopher Pratt, driver of Mr. Stanton's waggon of Market Harborough, with the Bedford and Huntingdon waggons robbed on Finchley Common on Friday night by two footpads, who beat and wounded them much.

2. Francis Walker, master coachman, of Nag's Head Yard, Oxford Road, drives No. 325, robbed on Tuesday night by two or three footpads near Paddington, of his own watch and money ; and two ladies of their purses.

3. Mr. Taylor of King Street, Golden Square, brewer, in company with another gentleman, robbed the same night near Gunnersbury House, by a single highwayman.

4. The Honourable Mrs. Grey, robbed the same night near Sion House, by a highwayman.

5. Mr. Kearns, whipmaker of the [Royal] Mews, with three other gentlemen in post-chaises, all robbed the same night near Turnham Green, by a highwayman.

6. Mr. Jackson, of Great Queen Street, robbed in

<sup>1</sup> *Memoirs of the Reign of George III*, edited by G. F. R. Barker, 1894, iv, pp. 89-90, note.

one of the Hampstead stages, near Kentish Town, by a single highwayman, on Monday night.

7. The Bath and Bristol coaches on Hounslow Heath, Tuesday night.

8. Mr. Rosser, near Islington, last night, of his gold watch, by two footpads.

Finchley, Paddington, Ealing, Isleworth, Turnham Green, Kentish Town, Hounslow Heath, Islington; all within the eight-mile limit of the horse patrol which the country could not afford; no wonder John was impatient! Even Jenkinson was impressed, though, "fitter to suggest and digest measures than to execute them" (as Walpole said), he would not do more than forward John's letters to Grenville, who was then in the country. "I send you enclosed two notes I have received from Sir John Fielding concerning the Horse Patrole, and beg your orders on that subject," he wrote, on June 28, the actual date of John's communications. "I had some conversation with him, and tried to make him more explicit on the time that the patrole should be continued; but he would give no answer but the enclosed, and, as you will see by one of his letters, I made him very angry by not putting what he calls *confidence* in him."

On July 9, Jenkinson again wrote to Grenville on the matter. "I urged very much to Sir John Fielding that the expense of the Horse Patrole, if it was to be permanent, should be a county charge: he did not make any objection to the propriety of such a proposal, but said that the members of the county would never hear of it. If you have no objection, I should think that as robberies are very frequent, it might as well be tried for three months more."<sup>1</sup>

As the result of this half-hearted recommendation the Horse Patrole was continued until the end of the year. John made a practice of publishing a weekly report of its activities, and it is most noticeable that during 1764 the newspapers contained very little news of crime.

<sup>1</sup> *Grenville Papers*, ii, pp. 366-69, 385.



Often John was able to report a week free from informations of highway robberies committed within the sphere of the patrol's operations. Here, for instance, is his report for the last week in September, published in the *Public Advertiser* on October 2, 1764 :

FROM THE POLICE.

Public-Office, Bow Street.

“ Reports of the Horse Patrole for last week.

No information of any highway robbery left at any of the turnpikes since Monday last.

Information made at the Office of a hackney coach robbed near Bristol Causeway (Surrey side) on Thursday evening by a single highwayman, and was described to be a tall young fellow, in his own hair tied behind, and blue surtout coat, mounted on a black or dark brown horse, who was closely pursued, but escaped.

Information by letter of two highwaymen attempting to commit a robbery upon Epping Forest on Friday night.

It were to be wished that at such distances persons would raise the hue and cry, which practice, was it revived, would render escapes of offenders after offences of this sort impracticable.

J. FIELDING.”

The man who would call the police by letter was certainly an optimist.

The patrols, both horse and foot, undoubtedly made life very unpleasant for the criminal, as may be judged from this paragraph in *Jackson's Oxford Journal* of January 14, 1764 : “ Information has been sent to his Majesty's justices of the peace for this county that several gangs of thieves have lately left London to avoid Sir John Fielding's parties, and have disguised themselves as gypsies. We think it our duty to apprise the public that they may be particularly on their guard against these miscreants, for though all gypsies are thieves by profession yet these new tribes may prove

still more expert than even the old ones in their villainy.”<sup>1</sup>

Despite immediate and striking proof of its utility, the Horse Patrole came to an end in October, 1764, when the Treasury refused to pay for its extension. The year's experiment had cost the country but £1014 18s.,<sup>2</sup> which works out at about £100 for each man and his horse for twelve months, a figure which clearly could not have been much further reduced. But a whole host of hungry place-holders had to be appeased before thought could be given to the citizen's safety.

Nevertheless, John used his two mounted pursuers and other officers to such advantage that in 1770 he was able to tell the House of Commons that neither footpads nor highwaymen could escape “upon account of the early notice given to the Office, and the great number of prosecutors who always appear against them.” The general “spiriting up” of the private citizen as well as of the civil power which John effected by his propaganda is, in fact, most noticeable in the newspaper reports of the period. At last the Londoner was able to take effective action when robbed, and he was quick to realise this.

Highwaymen usually hired their horses, and John constantly warned stable-keepers to make strict inquiries about new customers for this reason. On January 9, 1765, he announced in the *Public Advertiser* that if liverymen left their directions at Bow Street “they shall have an handbill sent to their houses as soon as it can be conveniently printed and distributed, containing the description of any highwayman and his horse, that shall be brought to the said Office . . . which will frequently be the means of detecting robbers, and of saving the stable-keeper's horses, and will also, it is hoped, deter persons from following a practice so dangerous to their own lives, and which is attended with so little immediate advantage.” I should, perhaps, make it clear

<sup>1</sup> Armitage, p. 69.

<sup>2</sup> *Commons Journals*, XXXII (1770), p. 557 (Civil List Accounts, 1752-68).



that John meant that it was the information, not the highwayman himself, that was "brought to the said Office." The stable-keepers had every reason to co-operate with Bow Street, for a highwayman's horse was forfeit to his captor unless it had been stolen.

Another cause of the decline in highway robbery was John's practice of providing the stage-coaches with guards. "Friday morning," said the *Public Advertiser* of April 13, 1771, "the coachman of one of the Northern Stages, having been frequently robbed by a single highwayman, took one of Sir John Fielding's men, properly armed, into the coach with the passengers, when they were attacked near Highgate by the same villain, who rode up to the coach door, presented his pistol, and demanded their money, when the guard fired and shot away part of the highwayman's jaw and chin, who fired into the coach, but happily missed them all: he was secured and carried to an hospital, and is said to be a journeyman gunsmith near Long-Acre." The reporter was as disarmingly slipshod as a modern gossip-writer. Another paragraph in the same issue announced that a highwayman who had held up the Newcastle Post Coach near St. Pancras, had been captured likewise. This was a Bow Street notice, and it ended: "As notices of these robberies are constantly sent to the above Office, the coaches in general guarded, and watches placed at the turnpikes, when such informations are received, it is no less astonishing than foolhardy in persons to pursue such practices. There has been no other information of any highway or footpad robbery this week."

The Horse Patrole was not revived until 1805, long after John's death. Then, owing to the alarming increase of highway robberies, Sir Richard Ford, the Chief Magistrate of the day, was able to persuade the Home Secretary, the second Earl of Liverpool (Charles Jenkinson's son) to authorise the establishment of a uniformed Horse Patrole, which rose in strength from about sixty to a hundred. It remained distinct from the Metropolitan Police until 1836, when it became the mounted branch of that force. This patrol was always a uniformed one,

whereas John's pursuers were thief-takers, or detectives, in plain-clothes, and were, therefore, the predecessors of the flying squad.

The foot patrols operated from Bow Street consisted of a number of ordinary (unpaid) constables under the guidance, but not the command, of one of "Sir John Fielding's men." They went out whenever the occasion arose. The largest foot patrol John sent out was in February, 1773, with the object of cleaning up St. James's Park, which, despite repeated warnings in the press and occasional action on the part of small patrols, had become infested with pickpockets, gamesters, prostitutes, beggars and other nuisances, greatly to the annoyance of the general public.<sup>1</sup> According to the memorandum, dated February 13, 1773, which John sent to William Eden (later the first Lord Auckland), the Under-Secretary concerned, a party of twenty constables "and four persons belonging to Sir John Fielding" under the High Constable of Westminster was to make a general search through St. James's Park every morning for a week, beginning at eleven. The constables were "to have their truncheons, but concealed till wanted," not for the pacific reasons behind the present regulation to this effect, but as a disguise, for the truncheon was the only uniform thing about the constable of this period. "The persons from Sir John Fielding's" were "to point out any known thieves or pickpockets."

After the preliminary drive the party was to split up into four patrols of five men and a detective, which were to be on duty until three o'clock, when they were all "to dine together at the Horse and Groom, Mr. Rix's, Buckingham Gate." At five, the duty was to be resumed until ten o'clock at night. "The persons they are to apprehend are gamblers, beggars, nosegay women and persons selling things, the latter only to be carried out of the park and then discharged, and at night common prostitutes and straggling soldiers not on guard."

This campaign was successful, but "to secure the ground of peace and decorum which we have obtained

<sup>1</sup> e.g. *Public Advertiser*, May 5, 1767; August 25, 1769.



in the Park” John asked Eden on February 23 to authorise a permanent patrol at a cost of about £120 a year. This was allowed, John’s written request being endorsed, presumably by Eden: “Orders should be given regularly to the soldiers or to the Gold Stick in Waiting that the peace officers are in the Park under proper directions . . . and it is his Majesty’s pleasure that they have every countenance and protection in the execution of their duty.”<sup>1</sup>

A detail of the plan on which John laid emphasis was that the whole patrol should dine together at the “Horse and Groom.” By this he undoubtedly wished to promote the *esprit de corps* which he knew was essential to the civil power. There is no surer way to the Englishman’s heart than by his belly and a good blow-out of beef and pudding is worth a thousand pious exhortations.

<sup>1</sup> S.P. 37/10, f. 86/8A.

## CHAPTER XI

### STRIKES, AND "THAT DEVIL WILKES"

THE latter half of the eighteenth century saw the birth of practical trade unionism, an event which was not completed without considerable disorder. As principal magistrate John Fielding was affected by this new movement to a far greater extent than is any one official to-day by industrial unrest. He had not only to maintain order in the metropolis, as Commissioner of Police, and to hear cases arising out of any disorder, as Bow Street justice, but he had also to try and settle the differences between masters and men, as is now the province of the Minister of Labour, for since the reign of Elizabeth it had been the duty of magistrates to fix wages and settle disputes in certain industries. In fulfilling this last charge he acted so wisely and fairly that he secured London from serious industrial unrest for a period lasting for many years after his death. It must be remembered that the Gordon Riots of 1780, the worst disorders London has ever experienced, did not originate in Labour troubles.

The first important combination of men against their employers appears to have been that of the journeymen tailors, formed in 1720. It, and the unions that followed it, arose because there had gradually come into existence a large body of lifelong wage-earners, men who could never raise the capital to become owners of their material and directors of their own energy. Whereas formerly, the industry of the country had been carried on by independent craftsmen working for themselves, by the beginning of the eighteenth century the bulk of the workers were dependent on capitalists. "It is often assumed that the divorce of the manual worker from the ownership of the means of production resulted from



the introduction of machinery and the factory system. Had this been the case we should not, upon our hypothesis, have expected to find Trade Unions at an earlier date than factories, or in industries untransformed by machinery. The fact that the earliest permanent combinations of wage-earners in England precede the factory system by half a century, and occur in trades carried on exclusively by hand labour, reminds us that the creation of a class of lifelong wage-servants came about in more than one way. Some of the crafts, for instance, lent themselves, more than others, to an advantageous division of labour. In tailoring for rich customers, the master craftsmen appear at the very beginning of the eighteenth century to have been recruited from the comparatively small number of journeymen who acquired the specially skilled part of the business, namely, the cutting out. . . . This differentiation was promoted by the increasing need of capital for successfully beginning business in the better quarters of the metropolis. Already in 1681 the 'shopkeeping tailor' was deplored as a new and objectionable feature, 'for many remember when there were no new garments sold in London (in shops) as now there are.'<sup>1</sup> The 'accustomed tailor,' or working craftsman, making up the customer's own cloth, objected to 'taylers being salesmen,' paying high rents for shops in fashionable neighbourhoods, giving long credit to their aristocratic clients, and each employing, in his own workshops, dozens or even scores of journeymen, who were recruited from the houses of call in times of pressure, and ruthlessly turned adrift when the season was over. . . . The making of the fine clothes worn by the Court and the gentry, demanded, then as now, a capital and a skill which put this extensive and lucrative trade altogether out of the reach of the thousands of journeymen whom it employed. Thus we find that at the beginning of the eighteenth century the typical journeyman tailor in London and Westminster had become a life-long wage-earner. It is not surprising, therefore, that one of the earliest instances of

<sup>1</sup> *The Trade of England Revived*, 1681, p. 36.

permanent Trade Unionism that we have been able to discover occurs in this trade." <sup>1</sup>

The houses of call were particular alehouses recognised both by masters and men as employment agencies, each trade having its own houses. We have already seen that workmen were customarily paid in public-houses, a practice to which John rightly objected, and the houses of call, which he also disliked, were as vicious. "Custom has established it into a kind of law," observed a contemporary writer, "that the house of call gives them credit for victuals and drink when they are unemployed; this obliges the journeymen on the other hand to spend all the money they earn at this house alone. The landlord, when once he has got them into his debt, is sure to keep them so, and by that means binds the poor wretch to his house, who slaves only to enrich the publican." <sup>2</sup>

Previous legislation affecting the journeymen tailors was repealed in 1721, and a fresh Act (7 Geo. I, c. 13) passed in order to cope with the new situation which had arisen as the result of the formation of the journeymen's combination in 1720. By this measure wages were fixed at the Quarter Sessions; no journeyman was to leave his work or to refuse to work without valid reason, and no master-tailor was to pay more than the fixed wage. Hours were from six a.m. to eight p.m.; a fourteen-hour day. This did not, however, put a stop to the combinations, and early in his career as magistrate, on August 2, 1756, John published a notice in the *Public Advertiser* warning the journeymen tailors that in combining to keep up wages they were acting against the law, which he would put in execution against them if they persisted. If they genuinely thought themselves aggrieved, he added, they would be "candidly and impartially heard" at Bow Street, and everything possible done to remove any real injustice. We shall see that this was no idle boast.

<sup>1</sup> *History of Trade Unionism* by Sidney and Beatrice Webb, 1894, pp. 24-27.

<sup>2</sup> *The London Tradesman* by R. Campbell, 1747, pp. 192-93; Mrs. George, p. 293.



In outlining the Act of 1721 in the first edition of his *Extracts from the Penal Laws*, John observed that “the Master Taylors in this metropolis have repeatedly endeavoured to break and suppress the combinations of their journeymen to raise their wages and lessen their hours of work, but have ever been defeated, notwithstanding the excellent provision of the above Statute; and this has been in some measure owing to the infidelity of the Masters themselves to each other; some of whom, taking the advantage of the confusion, have collected together some of the ablest of the journeymen, whose exorbitant demands they have complied with, while many other Masters have had a total stop put to their business, because they would not be guilty of a breach of so necessary a law; but the success of the journeymen in these disputes, and the submission of their Masters, is chiefly owing to the custom the Masters now have got of charging extra wages in their bills, by which means they relieve themselves, and the imposition is thrown entirely on the public, who can alone redress it, by throwing it back again upon the Master Taylor, for whose benefit and security the Legislature has taken such pains as leaves him without room for complaint.”

The trouble within the trade continued, and on March 30, 1764, the Master Tailors summed up the position in a petition to the Government. Observing that the combinations started in 1720, and gave rise to the Act of the following year, they went on to allege that “for two years now last the combination of the journeymen has been so strong that they have exacted much greater wages from their Masters and have worked less hours than by law allowed and not content with that imposition they formed themselves into a kind of republic and held illegal meetings at 42 different public houses commonly called houses of call and appointed from each of these houses two persons to represent the body and form the Grand Committee for the Management of the Town (as they express it) which Grand Committee make rules and orders for the direction of the Masters and whole body of journeymen tailors,

And whatever Master or journeyman refused to comply therewith the Master was not to have any men to do their business and the journeyman was fined at the will of the body of the journeymen and until he paid that fine and cleared his contempt the other journeymen would not suffer him to work for any master."<sup>1</sup> This was full-fledged trade unionism, the inevitable result of the capitalist system which had come into being.

We must now turn to the journeymen weavers, for trouble was boiling up in that industry too. Also at this time there arose another source of contention, and a potent one at that, to keep John busy ; the scandalous but patriotic John Wilkes. His story is best told without interruption, and I shall therefore leave it until later. It must be remembered, however, that Wilkes's championship of liberty inspired the mob to make a much greater show of their power than they would otherwise have done, for the cry of "Liberty !" was on everyone's lips, whether he had a real grievance or no. The wit who began a letter : "I take the Wilkes-and-liberty to inform you . . ." aptly summed up the popular prepossession of the day. It will be seen from the account I am about to give of the rioting by the weavers in 1765 that although they had a genuine grievance and needed no other bolstering, Wilkes, or so it was said, inspired them to commit excesses. Two more points must be made : first, that this was the time of George III's government without party, when "the land was filled, not with the benisons of a grateful people on a benevolent monarch, but with the noise of unseemly conflict between rulers and ruled,"<sup>2</sup> and secondly, that practical expressions of this conflict in the shape of riots had almost always to be put down by the use of military force. In Westminster, John invariably tried first to quell trouble by peaceful means, and never sought military aid, even when pressed to do so by the Secretary of State, until it was absolutely necessary, but naturally the fact that there were only eighty constables in West-

<sup>1</sup> S.P. 37/3, f. 76/54B.

<sup>2</sup> *History of England* by G. M. Trevelyan, 1929, p. 548.



minster, unpaid and with no right to compensation for injuries received on duty, made the use of troops essential on most riotous occasions.

The silk-weaving industry, carried on mainly at Spitalfields, was one which suffered more than any other from fat and lean years ; it was seasonal, it was dependent on fashion, it could be completely upset by a period of court mourning impossible to foresee, and above all, its raw material came from abroad, and was therefore subject to interruption, while there was much smuggling into the country of foreign made-up goods. In 1765 the industry was at a particularly low ebb, and a Bill was introduced to raise the duties on the importation of foreign silks. It passed the Commons, but was thrown out by the Lords on May 13 ; no one was for it, but only the Duke of Bedford actually spoke against it.

Now the Duke was unpopular enough already, ill-conceived though much of the feeling against him undoubtedly was. "He was a man of inflexible honesty, and goodwill to his country," wrote Horace Walpole : "his great economy was called avarice ; if it was so, it was blended with more generosity and goodness than that passion will commonly unite with.<sup>1</sup> His parts were certainly far from shining, and yet he spoke readily, and upon trade, well : his foible was speaking upon every subject, and imagining he understood it, as he must have done, by inspiration. He was always governed ; generally by the Duchess, though unmeasurably obstinate, when once he had formed or had an opinion instilled into him. His manner was impetuous, of which he was so little sensible, that being told Lord Halifax was to succeed him, he said 'He is too warm and overbearing : the King will never endure him.' If the Duke of Bedford could have thought less well of himself, the world would probably have thought

<sup>1</sup> He was very generous to Henry Fielding, "who frequently and in the hearing of persons now living, did justice to his well-directed liberality, which in various ways, amounted to the sum of fifteen hundred pounds." *The Lounger's Commonplace Book*, 1805 (by Jeremiah Whitaker Newman), i, p. 132.

better of him." <sup>1</sup> This was remarkably fair considering that Walpole disliked the Duke.

When the weavers heard that the Bill which meant so much to them had been thrown out they assembled, and marched in an orderly fashion to St. James's to petition the King to reopen the question. The King, however, was at Richmond, and thither the weavers repaired, only to be told that he was reviewing troops at Wimbledon. Having found him at last, they were told that everything possible would be done for them, and they returned satisfied and peaceful. This was on May 14, 1765; the events of the next few days are best told in Horace Walpole's words.

"But the next day, May 15, whether they distinguished between the assurances given by his Majesty and the rejection of the Bill by the Lords; or whether, as is more probable, they had been instigated underhand, they went to the House of Lords in great bodies, behaving in the most riotous manner, abusing the Peers, and applauding the Commons, who had passed their Bill. . . . When the Duke of Bedford appeared, they hissed and pelted him; and one of the mob taking up a large stone for the new pavement, dashed it into the chariot: the Duke broke the force of the blow by holding up his arm, but it cut his hand, and bruised him on the temple; so narrowly he escaped with his life. They then followed him to his own house, where with great temper he admitted two of the ringleaders to a parley, and they went away seemingly appeased. The next day the House of Lords issued out orders for preservation of the peace; but the weavers continued to parade the streets and the park, though without committing any violence.

"On the Friday (May 17), the Lords sent for Justice Fielding, who said the weavers had done no mischief. The Chancellor,<sup>2</sup> who had been trusted by the Ministers with none of their late extraordinary measures, and who probably foresaw their downfall, was sullen, and would take no part. Few lords attended, and everything

<sup>1</sup> *Memoirs of the Reign of George II*, 1822, i, p. 162.

<sup>2</sup> Robert Henley (1708-72), first Earl of Northington.



announced to the Ministers their approaching disgrace. About dinner-time, the Duke of Bedford received intelligence that his house would be assaulted at night, on which he sent away his jewels and papers, and demanded a party of horse ; the Duchess persisted in remaining with him in the house.<sup>1</sup> His friends and dependants, and several officers, garrisoned it ; and, as was foreseen, the rioters in prodigious numbers assaulted the house in the evening, and began to pull down the wall of the court ; but the great gates being thrown open, the party of horse appeared, and sallying out, while the Riot Act was read, rode round Bloomsbury Square, slashing and trampling on the mob, and dispersing them ; yet not till two or three of the guards had been wounded. In the meantime a party of the rioters had passed to the back of the house, and were forcing their way through the garden, when fortunately fifty more horse arriving in the very critical instant, the house was saved, and perhaps the lives of all that were in it. The Duke, however, and his company kept watch all night ; and the coffee-houses were filled with curious and idle people, who sent with great indifference every hour to learn how the siege went on. The disappointed populace vented their rage on the house of Carr, a fashionable mercer, who dealt in French silks, and demolished the windows. All Saturday they remained peaceable ; and though another attack was threatened no further mischief ensued."

Walpole went on to describe how he called on the Duke and Duchess on Sunday, May 19, to congratulate them on their escape. The house was still "a regular citadel," full of troops. The Duchess swore that the mob had been instigated by Lord Bute, the Duke's political rival, which was, of course, absurd. Walpole's own opinion was that the rioters had been "blown up" by friends of Wilkes's.<sup>2</sup>

London was gravely alarmed by these riots, which

<sup>1</sup> Bedford House, on the north side of Bloomsbury Square, formerly Southampton House, built for Thomas Wriothesley, Earl of Southampton, after the Restoration. It was pulled down in 1800.

<sup>2</sup> *Memoirs of the Reign of George III*, ii, pp. 110-14.

originated in a protest against a particular measure, but developed into a general demonstration against the Government; indeed, Walpole feared at one time civil war would break out, not because the mob was anything but peaceful at heart, but because the Government tried to hide its utter incompetence by a display of force.<sup>1</sup> Mercifully the weavers soon calmed down after their glorious hour of destruction, for their leader, "one Jones, a Welchman," was a very moderate man,<sup>2</sup> and the Lords dropped their plans of suppression and set about finding a scapegoat for their own weakness. In this they showed a degree of energy which would have done them great credit had it been applied to something that mattered. A committee was appointed to inquire into the tumults, and in the meantime, on May 18, Lord Halifax revealed the general opinion of the ministers in a letter to the King: "His Majesty will see by Justice Welch's letter to Lord Sandwich the intelligence received this day with respect to the intention of another tumult. We hope it will prove false, and by the enquiries we have made we have reason to believe so. But his Majesty will observe how fortunate it was that Justice Welch's intelligence of yesterday was attended to in preference to that of Sir John Fielding, who had given his Grace assurance that nothing would be attempted against him."<sup>3</sup>

On May 22 the committee of the House of Lords issued their report. The first two resolutions merely stated the peers had been insulted on their way to the House, and some put "in eminent danger of their lives." The report went on:

"3, Resolved, That it appears to this committee, that the beginning and continuance of these disorderly assemblies were in great measure owing to the remissness of several of the magistrates, and to their not exerting themselves properly in the execution of the laws against riots and riotous meetings.

<sup>1</sup> *Memoirs of the Reign of George III*, ii, p. 121.

<sup>2</sup> *Gentleman's Magazine*, May, 1765, p. 244.

<sup>3</sup> *Correspondence of George III*, i, p. 100.



4, Resolved, That it appears to this committee, that Sir John Fielding is particularly blameable ; having (as he himself acknowledged) thought that this was not such a mob as by their insolencies authorised him to read the Proclamation, though he well knew that the Duke of Bedford had been assaulted and wounded in his way from the House, and could not attend his duty in Parliament without danger of his life.

5, Resolved, That it appears to this committee, that the evidence the said Sir John Fielding gave to this committee, as to the number of weavers dismissed by their masters the day after the Bill for their relief was rejected, has been contradicted by other evidence.

6, Resolved, That it appears to this committee, that the magistrates . . . deserve the censure of the House, for not doing their duty in suppressing these tumultuous meetings.”<sup>1</sup>

“To complete their vengeance even on inferior offenders,” wrote Walpole in commenting on various dismissals which followed this affair, “the Ministers caused the House of Lords to inflict severe penalties on several printers, and to reprimand Justice Fielding, the blind, but only useful magistrate, for having been negligent during the late riots. Yet as so much persecution and arrogance could not but excite much ill-will and mutual hostilities, it now came out that, before the loss of their Bill, the weavers, suspecting that Lord Hillsborough<sup>2</sup> was against them, had waited on him to implore his protection. To convince them he was not their enemy, he showed them a letter from Lord Halifax, in which the latter had begged him not to oppose the Bill, Lord Halifax having an estate in Spitalfields, which would be greatly benefitted by the success of the Bill. To this the weavers had trusted ; and the disappointment had blown up their fury. How Lord Halifax came not to support his own interest, or how it was compensated to him, did not appear. But with this triumph over all

<sup>1</sup> *Journals of the House of Lords*, XXXI, pp. 213-14.

<sup>2</sup> Wills Hill, Earl of Hillsborough and Marquis of Downshire (1718-93), President of the Board of Trade and Plantations, 1763-65.

their foes, the Ministers put an end to the session by proroguing the Parliament, May 24."<sup>1</sup>

After much running to and fro between Whitehall and St. James's a new ministry was formed under Lord Rockingham on July 8. Before the end of the year Parliament satisfied the weavers' demands by prohibiting the importation of foreign silks.

The motion of censure passed on John Fielding was so patently unjust that it scarcely needs further comment. Had he been a smaller man he would have made a great show of protecting the Duke of Bedford, his patron; but, though always firm and courageous on such occasions, he was loth to make a display of force, lest it "provoked what it was intended to prevent," to use his own words. The Duke soon recovered from his perfectly natural annoyance at being attacked; it had happened before, and it happened again. He appears to have had no further dealings with John until October 12, 1768, under which date he made the following entry in his journal: "Went to the opera of 'Ariana e Teseo'; a most execrable one, and the dances as bad. Coming along the passage by the stoves, I had my pocket picked of my fine snuff-box, with the King of France's picture. I sent immediately to Mr. Fielding, and got handbills printed off with a description of it, and a reward of fifty guineas for it; to be paid on the commitment of the person who stole it. These handbills were delivered exceedingly early this morning at Goldsmith's Hall, Duke's Place, etc."<sup>2</sup> This is an interesting tribute to the efficiency of John's organisation.

John himself did not refer to the riot of 1765 until March, 1770, when he wrote and thanked the Duke for extending the lease of the Bow Street premises:

Sir John Fielding presents his respects to his Grace the Duke of Bedford, and takes the earliest opportunity to acquaint his Grace that he was this day honoured with

<sup>1</sup> *Memoirs of George III*, ii, p. 128.

<sup>2</sup> The journal is printed in *Sir Henry Cavendish's Debates of the House of Commons*, 1768-74, edited by J. Wright, 1841, i, pp. 591-631. Duke's Place, Aldgate, was the centre of the Jewish colony.



his generous gift of the additional ten years to the lease of his house in Bow Street, and for which he returns his warmest acknowledgments, and assures him that the satisfaction he receives on this occasion is infinitely superior to the value of the present, for he has long had the mortification to know that he has been represented in a false light to his Grace ; and a very sensible mortification it was, as he is conscious that it was impossible for any man to be more sensible of a favour conferred on his family than he was of that princely instance of generosity which his Grace showed to his late brother, Henry Fielding, or to be more attached from principles of gratitude and respect to your Grace's honour, welfare, and interest, than I have ever been, notwithstanding it has been my misfortune to be misrepresented, until my behaviour was subjected to the observations of my impartial friend Mr. Palmer, to whom I shall ever esteem myself highly indebted, should he be the happy means of convincing your Grace, from his experience of my conduct, how respectfully, gratefully, and affectionately, I have on all occasions endeavoured to acquit myself towards his Grace the Duke of Bedford, to whom I have a real pleasure in being obliged, and am with unfeigned truth. . . .<sup>1</sup>

The confusion between "your Grace" and "his Grace" and the change from the third to the first person were typical features of John's correspondence ; it must be remembered that he had to rely entirely on a clerk who was evidently incapable of correcting errors in dictation. "Mr. Palmer," was Robert Palmer, principal agent to the Duke, "which office he lived to improve to a very considerable amount, and maintained an universally good character," according to the notice in the *Gentleman's Magazine* of his death on January 21, 1787. It is worth noting that Lord John Russell (1792-1878) in editing his great-grandfather's letters, remarked that "Sir John Fielding had incurred the

<sup>1</sup> *Correspondence of the Fourth Duke of Bedford*, edited by Lord John Russell, 1842-46, iii, p. 410.

Duke's displeasure, by his irresolute conduct as a magistrate in the Bloomsbury Riots in 1765. He was an amiable old man, and the children of his celebrated brother were indebted to him for their support and education."

Granted the measure they desired, for a time the weavers were content, but there was much unrest in other industries, Wilkes's pranks serving to some extent to inflame the men. On the whole, however, the industrial riots of the 'sixties were inevitable, and were not mere demonstrations against a regime which the nation hated, as were the disorders directly occasioned by Wilkes.

A story told of Saunders Welch by his daughter, who married Nollekens, the sculptor, belongs to this period. "Mr. Nollekens often spake of his going, in 1766, into Cranbourne Alley unattended, to quell the daily meeting of the journeymen-shoemakers, who had struck for an increase of wages. Immediately her father made his appearance he was recognised, and his name shouted up and down the Alley—not with fear, but with a degree of exaltation. 'Well,' said the ringleader, 'let us get him a beer-barrel and mount him'; and when he was up, they one and all gave him three cheers, and cried, 'Welch! Welch, for ever!' In the mildest manner possible, Mr. Welch assured them that he was glad to find they had conducted themselves quietly; and at the same time, in the most forcible terms, persuaded them to disperse, as their meetings were illegal. He also observed to the master-shoemakers, who were listening to him from the first-floor windows, that as they had raised the prices of shoes on account of the increased value of provisions, they should consider that the families of their workmen had proportionate wants. The result was, that the spokesman of their trade was called into the shops, and an additional allowance was agreed upon. The men then alternately carried Mr. Welch on their shoulders to his office in Litchfield Street, gave him three cheers more, and set him down."<sup>1</sup>

<sup>1</sup> *Nollekens and his Times*, by J. T. Smith, 1920, i, p. 108.



There was no one in Whitehall capable of this.

In May, 1768, when the Wilkes affair was at its height, there were strikes in most of the London industries; even the watermen and sailors blockaded the Thames, as did the Paris watermen the Seine in 1933. On May 11 John and another magistrate showed their mettle by facing a mob of coalheavers who were marching on the House of Commons. The men at length agreed to surrender their flags and drums and appoint a committee to meet John at Bow Street. The same day Saunders Welch and other magistrates prevailed upon a crowd of sailors to disperse.<sup>1</sup>

On May 16 the tailors, with whose activities I started this tale of industrial unrest, rose again. The doings of the day were thus summed up by John in a letter to Lord Weymouth (1734-96), "an inconsiderable, debauched young man"<sup>2</sup> who had been made Secretary of State. He spent most of his time, and money, at White's, and left his underling, Robert Wood, to conduct affairs of State:

Every possible step was taken this morning by the magistrates not only to prevent the meeting of the tailors by going themselves to the houses of call, but to disperse them when met in Lincoln's Inn Fields, but in vain (wrote John on May 16, 1768). For the reasonable part of them would have gladly gone in a committee, it was neither in theirs nor in our power to prevent the body assembled (which was amazingly numerous) from going towards the House. The magistrates being defeated in this point went immediately in a body with the peace officers to Westminster, that they persuaded a great number of them to go into the Hall, amongst whom were the principal leaders. Here they read their petition addressed to the Rt. Honble. the House of Commons, first requesting to repeal a late Act of Parliament relative to tailors, secondly to raise their wages, to which two points the magistrates present, viz. myself, Mr. Kelynge,

<sup>1</sup> *Entry Book*, S.P. 44/142; cf. *Annual Register*, 1768.

<sup>2</sup> *Memoirs of George III*, ii, pp. 126-27.

Mr. Kynaston, Mr. Welch, Mr. Sayer, Mr. Read, and Col. Deane spoke and convinced the reasonable part of the body that no petition to Parliament could be admitted, but as to their wages it was totally left to my Lord Mayor and Court of Aldermen, that they then agreed to send six persons only, with their petition, who went accordingly, but every member refusing to accept of it, whilst the tumultuous body was there, the journeymen tailors were informed by the magistrates of this opinion and went away gradually, and I dare say will never meet again in the same manner.<sup>1</sup>

The next year trouble again broke out in the weaving industry. This time some of the masters were attacked by the men and had their looms broken, and in the consequent affrays troops had to be called out and some lives were lost. The cause of the dispute was wages, and not the introduction of machinery. The masters were put in terror of their lives, and with good cause, for the loom-cutters, who did not represent the general body of weavers, were desperate men, out to make trouble rather than to improve the conditions of their fellow-workers. The local magistrates, supported by John, were energetic and sensible in their handling of the affair, and he saw that their conduct was represented in a proper light to the King.<sup>2</sup>

For four years there was peace in the industry ; then, early in 1773, the distress which the journeymen were suffering owing to the uneconomic conditions prevailing again occasioned trouble. A serious rising seemed probable, but thanks to John it was averted, and an Act was passed which secured peace in the industry for many years. The negotiations are best described in the words of his letter to William Eden, Under-Secretary, dated May 1, 1773 :

Sir John Fielding presents his respects to Mr. Eden,

<sup>1</sup> *Entry Book*, S.P. 44/142, p. 100.

<sup>2</sup> e.g. *Entry Books*, S.P. 44/142, pp. 218-20 (September 29, 1769), and S.P. 44/141, p. 214 (December 18, 1769).



begs he would inform Lord Suffolk <sup>1</sup> that the magistrates met him yesterday at Bow Street according to appointment, that the Committee of the journeymen weavers and several of the masters attended there, when the Bill you altered, for which I return you many thanks, was read and approved by the magistrates, masters and men, that Mr. Pell, Sherwood, and Wilmot attended to me to Lord North's, where we delivered the Bill to his lordship and had some conversation on the subject. We left it under his lordship's patronage, he seemed to doubt whether the masters would be pleased with it. The justices told him yes, and I think that the masters will have more reason to rejoice than the men, as it frees them from their outrages, however, I consider it at least as a writ ad quod damnum to turn the journeymen weavers' road from the Palace to the Quarter Sessions. My L(ord) N(orth) spoke of the Taylors Act as the only president <sup>2</sup> of this kind, but the Statute of Queen Eliz<sup>th</sup> empowered the Quarter Sessions to settle all sorts of wages, and James I extends it to weavers.

I am with unfeigned truth, Sir,

Your respectful and obedient humble servant,

J. FIELDING.

P.S.—as this matter regarding the weavers as far as the justices have to do with it is finished, would it be amiss if Ld. S(uffolk), the first time he writes officially to take notice of the pains which Pell, Sherwood, and Wilmot has (sic) taken, which I assure you has been a great deal, and more especially as Ld. N(orth) did not give them their fee of praise, which is a great incentive to minds like theirs—"pardonnez moi."

Brompton, May 1st.<sup>3</sup>

A quaint ending ; John himself liked his due mead of praise. But he meant that the men concerned, all

<sup>1</sup> Henry Howard, twelfth Earl of Suffolk (1739-79), Secretary of State for the Northern Department.

<sup>2</sup> "Precedent," of course. This letter was written from John's country house at Brompton, where he had "only a junior clerk." (Letter to Lord Suffolk, April 24, 1773 ; S.P. 37/10, f. 86/18NN.)

<sup>3</sup> British Museum, *Additional MSS.*, 34,412, f. 234.

justices in the neighbourhood of Bethnal Green, were in a small way, and therefore deserved special thanks.

The Act (13 Geo. III, c. 68), amongst other things, prohibited combinations and placed the fixing of wages in the hands of the justices at Quarter Sessions. On July 9, 1773, John reported to Lord Suffolk that at the Sessions the day before the weavers' wages had been fixed under the new measure "to the entire satisfaction of those masters and journeymen weavers who appeared there in behalf of their respective bodies, and I sincerely hope that this step will prove a radical cure for all tumultuous assemblies from that quarter."<sup>1</sup>

His hopes were amply fulfilled. In 1811, nearly forty years later, it was possible for Samuel Sholl, a weaver who gained fame both by his inventions and his *Short Historical Account of the Silk Manufacture in England*, from which I am about to quote, to pay the following tribute to John's work for the industry. Panegyric though it is, Sholl's account is sincere and truthful, for he wrote from first-hand knowledge, coming as he did from a family of weavers and having been apprenticed in that industry from his youth. At the time of the passing of the Act of 1773 he was aged twenty-one: "So high in reputation was the English silk manufacture, that, even in Italy . . . in 1730 the English silks bore a higher price than the Italian; and this circumstance, of course, increased our trade, and, at the same time, our manufactories. But, in process of time, as there was no established price for labour in England, there was great oppression, confusion and disorder; for many base and ill-designing masters took the advantage, in a dead time of the trade, to reduce the price of labour. The oppression became so insupportable, that a number of journeymen, at the hazard of their lives, resolved to make examples of some of the most oppressive manufacturers, by destroying their works in the looms, which they effected; but, for want of prudence in their conduct, several of them fell victims in the cause and lost their lives. This awakened the feelings of some

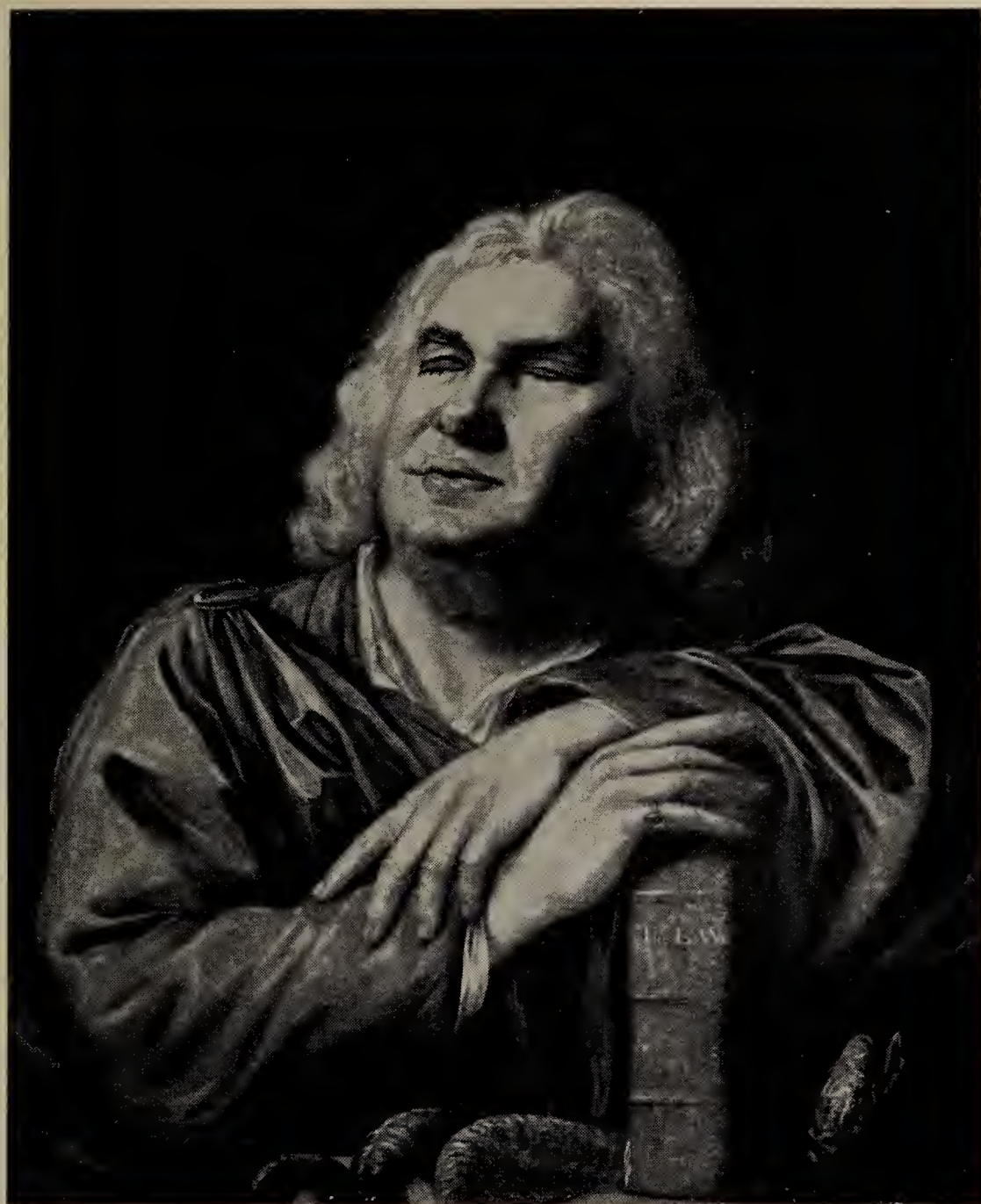
<sup>1</sup> S.P. 37/10, f. 86/26.



of the thinking and well discerning part of the journeymen and others. They applied to the magistrates, particularly Sir John Fielding, who said he was very sorry for, and pitied the journeymen weavers much, and recommended a few of them to meet and draw up a list of prices of their various works, and get some of their masters to sign it, and he would try to obtain an Act of Parliament to enforce the same. To the eternal honour of his name be it spoken, for his humanity and justice, which ought to be recorded in letters of gold, and inscribed on the hearts of the present and rising generations, with the utmost gratitude, to the latest period of time. All others who were friends to the then suffering and oppressed journeymen silk-weavers, and their numerous offspring, he entreated to use their interest also to obtain an Act of Parliament to empower them to settle, regulate, and declare, from time to time, the price of the different works in the silk manufacture. After repeated labour, toil and expense, to the unspeakable joy of the journeymen (and no less pleasing to the upright master) it was obtained, which Act hath been of the utmost importance to the trade in general, and hath produced peace and good order ever since."

Before turning to Wilkes, I must note that in April, 1773, John made a determined stand against the brewers and publicans who had combined to raise the price of beer. He rightly considered this an unwarrantable imposition on the working man, and one which, moreover, might lead to an increase in gin-drinking. He was successful in preventing the proposed rise in price.<sup>1</sup> Another aspect of his connection with industrial affairs was in administering an Act which aimed at preventing skilled workmen leaving the country to work abroad, thereby teaching foreigners our manufacturing secrets. France had a similar law; there was, for example, considerable trouble over the workmen imported by Pierre Parisot, with whom John had dealings in the 'fifties,

<sup>1</sup> *Entry Book*, S.P. 44/141, pp. 342-48; see also notices in the *Public Advertiser*, etc., April, 1773, relative to the matter.



SIR JOHN FIELDING.

*(Painted by Nathaniel Hone, R.A., and engraved by J. R. Smith, 1773.)*

*[To face page 184.]*





to set up the manufacture of Gobelin tapestry and carpets in this country.<sup>1</sup>

Now for Wilkes. I daresay that during the whole of his long career at Bow Street, John Fielding never had a more troublesome customer. The story of Wilkes's martyrdom and deification as the champion of popular rights is well known, and in giving the details of John's part in the affair I shall confine myself as far as possible to the problem of keeping the peace in Westminster during the time of Wilkes's rampage, this being John's job, and give only the bare facts of the scandalous patriot's career.

On April 23, 1763, John Wilkes, aged thirty-six, member for Aylesbury, published the famous "No. 45" of his paper, the *North Briton*, with which he had been flaying the monarch-ridden government of the day since the previous June. In it he denounced the speech from the Throne in such terms that, although he expressly stated that "the King's speech has always been considered by the Legislature, and by the public at large, as the speech of the Minister," the Government held him guilty of a personal libel on George III. They had been waiting to crush him, and this was their opportunity. A general warrant was issued against "the authors, printers, and publishers of a seditious and treasonable paper entitled the *North Briton*, No. 45," and what Bleackley has called "a perfect orgy of arrest" followed, no fewer than forty-nine persons, mostly journeymen printers, being apprehended in the space of three days.<sup>2</sup>

The arrest of Wilkes himself was achieved in due course, and while he was in the Tower government officials ransacked his house in Great George Street for incriminating documents, leaving with a sackful of material. Now Wilkes, as a member of Parliament, was immune from arrest in all cases except treason, felony, and breach of the peace; the question was, did this

<sup>1</sup> For cases investigated by John Fielding under this Act (23 Geo. II, c. 13) see, e.g. S.P. 37/11, f.339/7e (Emigration of Shipwrights, August, 1775); *Annual Register*, March 28, 1777 (Emigration of a button-maker).

<sup>2</sup> *Life of John Wilkes*, by Horace Bleackley, 1917.



privilege cover publishing a libel? On May 6, Chief Justice Pratt<sup>1</sup> decided that it did, and Wilkes was discharged amid ringing cheers of "Wilkes and Liberty!" His name had become a household word.

Although the libel case still had to be tried, the irrepressible Wilkes persisted in acting the part of a sorely aggrieved man, and his first action on being released was to write a sharp letter to the Secretaries of State "insisting" on the return of the papers they had "stolen" from his house. Their Lordships answered that nothing could be done as the matter was still *sub judice*.

Anyone but Wilkes would have "lain low and said nuffin" at this point. As it was, as soon as he received Whitehall's reply to his impudent demand, on May 7, 1763, he hurried round to Bow Street and tried to persuade John Fielding to issue a warrant against the Secretaries of State for stealing his papers. John naturally refused point-blank to do anything of the sort.

"You refuse me Sir?" shouted Wilkes, "then you too shall hear from me!"<sup>2</sup>

But he made no attempt to execute this threat. Instead, in Bleackley's telling phrase, "he plunged into a fresh campaign against the Government, reckless as a schoolboy who has discovered a new method of mischief." Before Parliament reassembled on November 15 he had issued from his press in Great George Street his blasphemous and pornographic *Essay on Woman*.<sup>3</sup> This was his undoing. The Government had been stepping warily hitherto, for the alleged libel on the king was not to be proved with ease, but now they had up their sleeves as evidence against him a publication which no one could deny was gross in the extreme. The House of Lords was amused to hear Lord Sandwich, himself a notorious rake, read out the poem in a tone of pious

<sup>1</sup> Sir Charles Pratt, first Earl Camden (1714-94); through his opposition to the Government he became almost as popular as Wilkes himself.

<sup>2</sup> MS. letter from Lord Grantham to the Duke of Newcastle, May 8, 1763. British Museum, *Additional MSS.*, 32,948, f. 252. There are other versions of the story, which is considered by some people to be apochryphal.

<sup>3</sup> How far Wilkes was really responsible for the *Essay on Woman* cannot be discussed here. The fact remains that he was successfully prosecuted on account of it.

horror, and was quick to drown good Lord Lyttleton's cry that they had heard enough, but both Houses soon found that their privileges were not supposed to cover such enormities as this. However, though worsted on this vital count, the champion of liberty at least had the satisfaction on December 6 of being awarded £1,000 damages against Robert Wood, the Under-Secretary who had raided his house.

Wilkes was devoted to his daughter Polly, who at this time was being "finished" in Paris, and was determined that nothing should prevent him keeping his promise that he would visit her before the end of the year. Accordingly he defied the Government and managed to slip across the Channel on Christmas Day, 1763. This was the beginning of a period of voluntary exile lasting four years, for early in 1764, although not present to defend himself, he was expelled the House and convicted in the Court of King's Bench for printing and publishing "No. 45" of the *North Briton* and the *Essay on Woman*. No sentence was passed, a warrant being issued for his arrest instead. Knowing all this, Wilkes at last decided to "lie low" for a time. The law took its course, and on November 1, his default led to sentence of outlawry being passed on him.

In December, 1767, fear of imprisonment for debt drove Wilkes from Paris to London. He had failed in two attempts to gain a pardon, but knowing that the mob was on his side, and realising that inept government had helped to pave the way for his return as the champion of liberty, he dared set foot in the country to which he did not legally belong.

"What the devil have I to do with prudence?" he told his friends in London. "I owe money in France, am an outlaw in England, hated by the King, the Parliament, and the bench of bishops. I must raise a dust or starve in a gaol."

"Well, what means do you intend to pursue?"

"To set up for the City of London."

"Good God, Mr. Wilkes, where is your qualification?"



“General Warrants<sup>1</sup> and the good nature of my fellow-citizens.”

There was no doubt about the latter qualification. The Joiners' Company presented the outlaw with the Freedom of the City, and a fund was raised for his election expenses. The poll opened on March 16, 1768, and Wilkes was greeted with immense enthusiasm by the mob. As he himself expected, however, he was not returned. Nothing daunted, he announced his intention of standing for Middlesex, to the huge delight of the mob.

The Middlesex election took place at Brentford on Monday, March 28. When the result was announced next morning it was found that this time the popular hero had been elected by a thumping majority. This was really stale news, for it was clear at the close of the poll on Monday evening that Wilkes had got in.

On the evenings of both Monday and Tuesday, March 28 and 29, the west end of London seethed with his supporters, loud in their insistence that every house should be illuminated in honour of the great occasion. “Wilkes and Liberty” was the password, and woe betide those who would not give it.

As principal magistrate John Fielding was responsible for keeping the peace in Westminster. At the best of times he would have had at his disposal a force of eighty untrained constables. As it was, he had to inform Lord Weymouth, the Secretary of State, “that the Sheriff of Middlesex has ordered the High Constable of the City and Liberty of Westminster with his Peace Officers to attend at Brentford, so that I do not suppose there is one constable within the City and Liberty of Westminster, and tho' I think it might be right to be provided with military assistance, I think nothing of that sort should appear till necessity call for it, lest it should provoke what it is intended to prevent. . . .

<sup>1</sup> Wilkes had been arrested on a General Warrant, i.e. one in which no names were specified. The majority of people considered such warrants illegal, or at least most undesirable, for obvious reasons; in any case it was contended that in such a serious matter as the arrest of an M.P. a special warrant was essential.

I cannot help thinking but that the constables of Westminster are out of their jurisdiction in Brentford."<sup>1</sup>

John did the best he could with the handful of men he was able to raise, and although military aid had to be sought the two nights passed with far less trouble than he could have dared to expect. What happened may be told in Horace Walpole's words. On the first night, he wrote, "the people grew outrageous ; though when Wilkes first arrived in town, I had seen him pass before my windows in a hackney chair, attended but by a dozen children and women ; now all Westminster was in a riot. It was not safe to pass through Piccadilly ; and every family was forced to put out lights : the windows of every unilluminated house were demolished. The coach-glasses of such as did not huzza for ' Wilkes and Liberty ' were broken, and many chariots and coaches were spoiled by the mob scratching them with the favourite 45.<sup>2</sup> Lord Weymouth, Secretary of State, sent orders to Justice Fielding to have constables kept in readiness. He begged his Lordship not to tell it, but there was not a constable in London—all had been sent for to Brentford. On this the guards were drawn out. Lord Bute's house was attacked, but the mob could not force an entrance, nor at Lord Egmont's in Pall Mall. The Duke of Northumberland the mob obliged to appear and to give them liquor, and to drink with them to Wilkes's success. Some ladies of rank were taken out of their chairs, and ordered to join the popular cry ; and to Lady Holderness they cried, ' No King ! No regal Government ! ' In the City they attacked the Mansion House and broke the windows. The Lord Mayor, a zealous anti-Wilkite, sent for the trained bands, but they were not sufficient to disperse the tumult. Six thousand weavers had risen in behalf of Wilkes, and were the principal actors. . . .

" The second night was less tumultous ; but the Scots,

<sup>1</sup> *Entry Book*, S.P. 44/142, pp. 54-159, contains all letters quoted in this chapter unless otherwise stated.

<sup>2</sup> 45, commemorating the famous number of the *North Briton*, became the symbol of the Wilkites, who wore brooches in this form. There are specimens of these in the British Museum.



sullenly persisting in not celebrating their enemy's triumph by illuminations, had their windows broken.<sup>1</sup> The Dowager Duchess of Hamilton, one of the beautiful Gunnings, though born in Ireland, had contracted such hatred to Wilkes from her two Scotch marriages, that though with child, and though her husband, Lord Lorn, was in Scotland, and all her young children were in the house with her, she resolutely forbade her house to be lighted up.<sup>2</sup> The mob assaulted it, broke down the outward gates with iron crows, tore up the pavement of the street, and battered the doors and shutters for three hours, but could not surmount her courage. The Count de Seilern, the Austrian Ambassador, the most stately and ceremonious of men, they took out of his coach, and chalked 45 on the sole of his shoe. He complained in form of the insult; it was as difficult for the Ministers to help laughing as to give him redress."<sup>3</sup>

On the whole the mob was a good-natured one. They had turned out to celebrate a triumph, not to air a grievance, and their temper, if ribald, was not ugly. "In short," as Walpole said to Mann in a letter dated April 1, 1768, "in short, it has ended like other election riots, and with not a quarter of the mischief that has been done in some other towns."

John Fielding, however, did not get through the trouble unscathed. Powerless though he was owing to the removal of his men to Brentford, he was charged with negligence by Lord Weymouth at the instigation of a wine-merchant named Stuart (or Stewart). "Lord Weymouth has been informed," wrote Robert Wood on April 5, "that Mr. Stuart, the wine merchant, upon application to you for assistance against the mob on the night of the illumination, had not met with that support which he had reason to expect from the civil

<sup>1</sup> At this time the Scots were hated as much as, perhaps even more than, the French. Wilkes never lost an opportunity of insulting them, and chose the title *North Briton* for his paper with this very object in view.

<sup>2</sup> Elizabeth Gunning (1734-90) married first the Duke of Hamilton and secondly Lord Lorne, later Duke of Argyll. She had two sons by each husband, all of whom eventually became holders of their respective titles. Her sister Maria (1733-60) married Lord Coventry.

<sup>3</sup> *Memoirs of George III*, iii, pp. 129-31.

magistrate. Though this account does not agree with what his Lordship had conceived of your vigilance and activity, yet he has ordered me to acquaint you with it, and to add that though, on the one hand, he relies much on your zeal, and is ready to do justice to your diligence at the time of the late riotous proceedings, yet, on the other, he thinks it his indispensable duty to take notice of any remissness in a magistrate upon whom so much of the public order and tranquillity depends. . . . I heartily wish you may put it in his power to set you clear of imputation, which is his wish also."

John's version of the incident was that Stuart had come to him a week before to find out what help he would be given if the mob attacked him for not illuminating his house. (Obviously he was a Scot, and was determined not to give in to the enemy). John told him that in this event either peace officers or a military guard would be sent to his assistance immediately notice was received at Bow Street. On the night in question, continued John, he had summoned a military guard to put down a riot in the Strand, nearly all the constables being away at Brentford, but had not been told of the attack on Stuart's house until it was all over, when Stuart himself came to Bow Street and reported that as the mob had gone, and he had no more windows left to break, he did not want any help. There was, therefore, nothing that John could do. "Unfortunate he has always been," he concluded, "at present particularly so, as his warmest endeavours to discharge a public trust . . . have been so far ineffectual as not to secure him the confidence of those by whom he would wish to be approved."<sup>1</sup> There the matter ended.

London had not, however, by any means seen the last of Johnny Wilkes and his friends. There were "difficulties to come," as Walpole observed in the letter quoted above. Wilkes had promised to appear before the Lord Chief Justice in the Court of King's Bench on April 20, to surrender to his outlawry. This time adequate preparations were made to quell any signs

<sup>1</sup> S.P. 37/6, f. 80/16.



of trouble. A meeting of the Westminster magistrates was convened under John's chairmanship on April 16. Before discussing the plan of campaign for April 20, he read a letter which Lord Weymouth had addressed to him at his request, so that the justices might clearly understand their position. "When I inform you that every possible precaution is taken to support the dignity of your office," said Lord Weymouth, "that upon application from the Civil magistrate, at the Tower, the Savoy, or the War Office, he will find a military force ready to his assistance and to act according as he shall find it expedient and necessary, I need not add that if the public peace is not preserved and if any riotous proceedings which may happen are not suppressed the blame will most probably be imputed to a want of prudent and spirited conduct in the Civil magistrate. As I have no reason to doubt your caution and discretion in not calling for troops till they are wanted, so, on the other hand, I hope you will not delay a moment calling for their aid and making use of them effectually where there is occasion." In short, the justices were to make the best of an impossible situation, and on no account was Lord Weymouth to be blamed for anything that might happen.

Understanding this, the justices laid their plans. How they disposed themselves and their constables need not concern us, but it is worth stating that in the report drawn up for their own benefit and for Lord Weymouth's it was emphasised that if military power had to be used, the magistrates should "strongly recommend it to the military, both officers and men, that they be particularly careful to behave with the utmost calmness and temper. That when ordered to advance, the magistrates and peace officers do place themselves in the front, charging the rioters in the King's name to desist and exhort them to disperse themselves and peaceably return to their respective habitations." This was in the best tradition of British police.

All went well on the great day. The mob acclaimed

their hero, but behaved peaceably enough, and John Fielding was able to return to Bow Street that evening knowing that for once the drunken Lord Weymouth would be able to find no fault with the Westminster justices.

The calm of April 20, was, however, but the prelude to a storm. Lord Chief Justice Mansfield held that Wilkes could not be legally brought to trial unless the Sheriffs served him with a writ of *capias utlagatum*, the necessary preliminary to "taking an outlaw," and he was accordingly discharged until this was done. By way of humiliating his opponents, Wilkes himself wrote to the Sheriff's officer and complained of the delay in serving the writ, which was eventually executed on April 27. At once Wilkes drove to Westminster Hall. Expecting trouble John and his men were suitably disposed in the neighbourhood. The Attorney-General, now able to "see" Wilkes, without further ado gave him formal permission to appeal against his outlawry. Bail was, however, refused, and pending the hearing of his case Wilkes was committed to the King's Bench Prison in St. George's Fields, Southwark.

It was about half-past six in the evening when Wilkes left Westminster Hall. What followed is best told in the words of John Fielding's report to Lord Weymouth, delivered the next morning. "As soon as the Court broke up, everything being then quiet, Mr. Wilkes was put into a coach at the Hall door attended by the Marshall of the King's Bench and the Chief Justice's Tipstaff. That the magistrates and peace officers at Westminster still waiting at Guildhall, one of the justices, viz., Mr. Welch, attended Mr. Wilkes's coach to the Surrey side of Westminster Bridge and then returned to Guildhall, but before he got there, on a sudden a number of persons took off the horses, turned the coach about and with an expedition beyond conception drew the coach through the Strand and through Temple Bar into the City, so that stopping it was impracticable and nothing could well have prevented the accident unless the constables on the Surrey



side had been upon the Bridge to have received them. That the moment we were informed of this event, Sir John Fielding, Mr. Kelynge and Sir John Clerk got into a coach and pursued to Temple Bar, but found the streets perfectly quiet—without the least bustle or noise. That Sir John Fielding then dispatched the High Constable of Westminster, his clerk and other persons to pursue Mr. Wilkes's coach. . . They did not return till near one o'clock, when Mr. Marsden reported that the mob had drawn Mr. Wilkes's coach to Spittle Square, and afterwards to the Three Gun Tavern by Spittlefield Church, where Mr. Wilkes remained some time, and that he was in the King's Bench Prison before 11 o'clock. That no outrage, other than the insult of drawing away the Marshal and Officer with their prisoner had been committed anywhere."

Wilkes himself during these proceedings entreated the mob not to defy the law, for he knew full well that his situation demanded caution for a while, but he was powerless until the coach drew up at the door of the Three Tuns Tavern in Spitalfields (John's clerk made a slight mistake here, it will be seen). Then he managed to slip away in the confusion, and, hiding until the mob had dispersed somewhat, at length stole out of the inn in disguise and surrendered to the gaoler of the King's Bench Prison.

Naturally the Government was furious at again being made a laughing-stock by "that devil Wilkes," as George III called him. Lord Weymouth, of course, put the entire blame for the rescue upon John Fielding and his fellow justices. In a letter about the precautions to be taken on the occasion of the hearing of Wilkes's appeal on June 8, Wood told John that while Lord Weymouth "highly approves every instance of the affection and vigilance of the Civil magistrates upon these occasions," he "thinks it right to apprise Sir John that if the same indecent contempt of the Civil power shall appear on this occasion that was shown when the magistrates were assembled at the same place and permitted Mr. Wilkes to be rescued and drawn thro' the City without

any person being taken into custody his Lordship will think it necessary to make strict enquiry into it, and expects to have a more satisfactory account given him than that which he received of that affair. Lord Weymouth refers Sir John to his former instructions and thinks it unnecessary to repeat what he has so often said, and therefore will conclude by observing that if Civil magistracy is disgraced when the Secretary of State has so often exhorted them to their duty and has prepared the military to support them legally as their last resource, it must be their own fault."

To this show of poor judgment John replied to Wood that "the magistrates of Westminster, deeming their conduct through the whole of these unhappy disturbances quite irreproachable, were extremely mortified at your letter, and I very much fear that on any future occasion I shall have a difficulty of getting them together; will take an opportunity of speaking to you on this subject as I am much distressed about it. . . . and do most solemnly declare that I never took more pains in my life to discharge a public trust than lately."

How he expected a handful of magistrates and constables to cope with a mob thousands strong Lord Weymouth never explained, except in so far as he referred to the use of military force. That John Fielding was abundantly justified on the occasion of the Wilkes riots, as on many others, in his refusal to call for soldiers until every other method of persuasion had failed was proved by the sorry affair in St. George's Fields on May 10. Ever since Wilkes's confinement there had been disturbances outside the King's Bench Prison, and both Lord Weymouth and Lord Barrington, Secretary for War, had told the Surrey magistrates to use military force if necessary. The latter interpreted their orders too closely, and assembled a large force of troops outside the prison, not realising, apparently, that this would provoke what it was intended to prevent, to use John Fielding's phrase. On May 10, a brawl between a soldier and a Wilkite developed into such a serious affray that the magistrates read the Riot Act and



then ordered the troops to fire. As nearly always happens on such occasions, the victims, three men and a woman, were innocent passers-by who had taken no part in the riot. To make matters worse, one of them, a young farmer named William Allen, was killed after the troops had dispersed the crowd, when they were trying to round up the ringleaders. "The Massacre in St. George's Fields," as it was called, only served to make Wilkes more popular than ever, especially when he made it known that not only had Lord Weymouth and Lord Barrington advocated the iron hand, but that the latter had also written a letter of thanks to the troops.

Refusing to learn by experience, on the occasion of Wilkes's appeal Lord Weymouth told John to apply to the Secretary for War for a patrol, in case the appeal succeeded. John refused to do this, saying that he expected no serious trouble. Events justified him, for although June 8, saw the reversal of Wilkes's outlawry, the delight of the mob did not lead to excesses. Lord Weymouth grew calmer, and in a letter (by Wood, as usual) to John on June 13, said that he hoped that "this disagreeable teasing business" would soon come to an end. On June 18, the martyr's career was temporarily checked, sentences amounting to a fine of £1,000 and imprisonment for twenty-two months being passed on him on the two counts of printing and publishing "No. 45" and the *Essay on Woman*.

The relief with which Whitehall heard this is manifest in a letter written by Wood to John on June 20. Lord Weymouth, he said, thanked all the Westminster justices for their services and promised to take the first opportunity of commending them to the King. "His Lordship, who is this morning in the country, has directed me to lose no time in letting you know this, and, in the meantime, begs that you and the other gentlemen in the Commission will accept his hearty thanks for the important assistance you have given towards preserving the public peace in these times of shameful riot and disorder." Evidently all was forgiven and forgotten about Wilkes's rescue on April 27.

But not even yet was the unfortunate John rid of "this disagreeable teasing business." The champion of liberty was taken from prison on January 27, 1769, and successive days to hear the debate in the House of Commons on his petition for re-instatement as a member. John was fully prepared for trouble, but the only noteworthy incident occurred on the night of February 6, concerning which he had to report to Wood that "Mr. Higley, a carpenter in St. Clement's parish, who used to distinguish himself on these occasions, made a little parade with some music in Clare Market, but it ended in nothing, and it was also reported by a constable of St. Martin's parish that some gentlemen at a coffee-house in the Strand threw money out of the windows and proposed having a bonfire, but that also ended in nothing."

Wilkes was duly expelled the House, and the Middlesex electors duly showed the Government what they thought about it by returning him on February 16. Next day the House resolved that he could not be allowed to sit, and the election was declared null and void. A fresh poll was held on March 16. There was no opposition; Wilkes was duly returned, and the election duly declared null and void. In an attempt to end the farce the Government put up a candidate in the person of Colonel Luttrell who was determined to get in at all costs. When this became known a riotous mob invaded the west end of London, and would not disperse until charged by a troop of horse. There was no bloodshed. The election took place on April 13, and again Wilkes was returned, polling 1,143 votes to Luttrell's 296. London was illuminated, but there was no serious disturbance. As usual the election was declared null and void.

October 28, 1769, found Wilkes celebrating his forty-fifth birthday in the King's Bench Prison, where he could not have fared better had he been a highwayman. The Middlesex issue was still undecided. His birthday was observed all over England with great enthusiasm, but John was able to report to Wood the next day that



all had been reasonably quiet in Westminster. He added the following postscript, headed "A Query :"  
"Bonfires in the streets of London have been attended with mischievous effects by collecting the mob together in the evening, a circumstance never to be wished for, particularly at present ; it encourages throwing of squibs and firebrands, terrifies passengers, frightens horses and seldom a bonfire is made but several lives are lost by these means. Bonfires are made on the 5th of November as well as on other public days before the Admiralty, Whitehall, St. James's, etc., at the public expense. If this was omitted by Govt. would anybody else make them ? And if they were omitted in general would there be any harm ?"<sup>1</sup> It was not until 1839, however, that bonfires were prohibited in the streets.

On April 17, 1770, Wilkes left prison, an occasion for great rejoicings all over the country and in America too, where the demagogue naturally had a great following. John Fielding was, however, able to report to Lord Rochford, who had succeeded Lord Weymouth as Secretary of State, that all had been quiet in Westminster. Lord Rochford replied on April 20, that this report gave him great satisfaction, "and appeared to his Majesty, before whom I laid it, a convincing proof of the good effects of a proper attention in the Civil magistrates to preserve the public peace. I have the King's command to signify to you, and the other gentlemen who have acted on this occasion, his approbation of your zeal and vigilance : I shall always have the greatest pleasure in co-operating with the Civil power, as far as lies in my province, and in making a faithful representation of their conduct to his Majesty."

By this time, in fact, the mob realised that no amount of disorder short of civil war would induce the Government to substitute Wilkes for Luttrell as member for Middlesex, and gradually the patriot's political power waned, though he himself remained as popular as ever, and was still to trouble John Fielding.

He had been elected an Alderman of the Ward of

<sup>1</sup> S.P. 37/7, f. 81/17B.

Farringdon Without in January, 1769, while still a prisoner, and on his release used this position to encourage the newspaper printers to publish reports of parliamentary debates, a gross breach of privilege in the eyes of both Houses, promising the protection of the magistrates in case of prosecution. The plot came to a head in February, 1771, when he and the Lord Mayor, his willing tool, refused to give up certain printers for whom Parliament had issued warrants. After sending both champions of liberty to the Tower, Parliament adjourned without seeing the matter to a finish, thus tacitly admitting that they could not prevent the publication of debates, and thereafter full and undisguised reports began to appear in the papers.

This immensely important victory was celebrated in the manner of the day. When the session closed on May 8, however, the mob was quieter; the King, John Fielding told Lord Rochford, was attended "by three High Constables and an extra-ordinary number of Peace Officers," and in the evening all was well but for the breaking of a few lamps and windows, including those of Lord North's house in Downing Street.<sup>1</sup>

On July 1, there occurred the last Wilkes incident in which John was concerned; namely, his election as Sheriff. As usual, the mob went wild with delight when they heard that he had got in, and insisted on escorting him to his house, No. 7 Prince's Court, at the St. James's Park end of Great George Street. John Fielding was prepared for serious trouble, but was able to tell Lord Rochford the next day that on the whole the occasion had passed without any great danger. He continued: "About 10 o'clock Mr. Wilkes came through Temple Bar attended by a mob of about 200 persons seemingly of inferior rank and amongst them many boys; hitherto there were few or no illuminations on this side Temple Bar, the hollaing of this mob soon made the inhabitants illuminate, which was pretty general through the Strand. . . . The mob returning from Mr. Wilkes's house in Prince's Court were rushing

<sup>1</sup> S.P. 37/8, f. 84/10.



up Downing Street ; here the peace officers made a stand and some insults and difficulties ensued, the mob threatening that they would serve Lord North as they had done before ; here they parleyed a long time and at length forced themselves up higher in the street, the magistrate was then obliged to make a line across the street with the military they had ready for that purpose, and here the peace officers made a stand by which all mischief was prevented in that part and the mob dispersed. . . . The mob returning home broke some windows at Charing Cross, rescued a prisoner out of the hands of the peace officers left there, and insulted them, they being weakened by the party taken from that post by the High Constable.—Don't hear of any disturbance at any other place.”<sup>1</sup>

This was the end of Wilkes as far as John Fielding was concerned. Although the demagogue's vigour hardly diminished as he aged, his popularity slowly waned after the excitement of the Middlesex elections was exhausted. He was readmitted a member of Parliament in 1774, and sat for Middlesex until 1790. Four years later, either by mistake or because of his refusal to support a scheme of national defence against the supposed French menace, his house was attacked by rioters. “They are only some of my old pupils, now set up for themselves,” he remarked. In 1797, he died, at the age of seventy-two.

John Fielding left no record of his opinion of this hornet. He must certainly have regarded him first and foremost as a confounded nuisance ; he must, too, have strongly disapproved of his utter lack of morals. Yet, so strange a mixture was Wilkes, John Fielding probably admired him for his patriotism and most of all for the qualities he showed as Lord Mayor in 1774-75 ; for in this capacity Wilkes paid attention to abuses which also exercised John during the whole of his career. “Much stricter in his control of the markets than any of his predecessors, many of Wilkes's regulations were far in advance of his age,” says Bleackley. “The

<sup>1</sup> S.P. 37/8, f. 84/15.

treatment of cattle, brought to Smithfield and elsewhere, became far more humane under his rule, the City Marshal being instructed to suppress all cruelty. A vigorous crusade was directed against tradesmen who gave short weight, and the practice of raising prices by forestalling or 'cornering the market' was punished with severity. A disciple of the old school of economics, like most of his contemporaries, Wilkes made use of all the power that he possessed to regulate the price of provisions, his inclinations being to make reductions out of sympathy for the poor. Having organised a special charity for the benefit of prisoners, he was able to distribute a considerable sum at Christmas time among the various gaols. One of his most admirable reforms had the effect of clearing the streets of the city of disorderly women." These were all things that John Fielding also preached and practised in Westminster. It is noteworthy, too, that Wilkes did as much as any man during the terrible Gordon Riots; "after having caused the rising of a hundred mobs," says his greatest biographer, "he was obliged at last to take his share in quelling the fiercest riot that the capital had ever seen."



## CHAPTER XII

### FOUR FOREIGNERS

It so happened that in the 'sixties and 'seventies three notorious foreigners and one famous one played the leading parts in *causes célèbres* which John had to investigate. In order of appearance, as the theatre programmes say, they were the Chevalier Charles Geneviève Louis Augustus Caesar Andre Timotheus D'Éon de Beaumont ; Giacomo Girolamo Casanova, Chevalier di Seingalt ; Guiseppe Baretti, the dictionary-maker and the only one whose fame was good ; and Theresa Cornelys, of the race of "Night Club Queens."

In 1763, D'Éon, a swaggering beau some thirty-five years old, came to England as French minister plenipotentiary.<sup>1</sup> He brought with him an atmosphere of intrigue which was reciprocated by the French ambassador in London, the Comte de Guerchy, who, considering the visitor a rival for the honour of representing France, at once began to plot against him. One Treyssac de Vergy, a man of parts, one of which was writing novels, was put up to malign the intruder, which he did so effectively that D'Éon challenged him to a duel, thus unwittingly playing into the ambassador's hands.

Now duelling was forbidden in France, and when, therefore, on the evening of October 26, 1763, D'Éon went to dine with Lord Halifax, Secretary of State, and openly boasted that he was about to fight de Vergy, he created something of a sensation. Moreover, he was loud in his abuse of de Guerchy, who was present at the dinner party. Lord Halifax did his best to restrain the impetuous chevalier, but only made matters worse

<sup>1</sup> This account is based on D'Éon's own publications and *The Strange Career of the Chevalier D'Éon*, by J. B. Telfer, 1885.

by saying that the proposed duel would be a breach of the peace. D'Éon knew so little English that he thought Lord Halifax threatened to break the peace which had just been made between England and France, and became more violent than ever, so much so that a party of guards had to be called to restrain him. At this D'Éon calmed down, and signed a written promise to the effect that he would not fight de Vergy without first informing Lord Halifax. This done, the guards were withdrawn, and D'Éon left the house quietly.

Next morning, October 27, D'Éon extracted a promise from de Vergy that he would get letters from Paris substantiating his pose in England as a man of influence; "failing which," D'Éon forced de Vergy to write, "I again give my word of honour to M. D'Éon that I shall never in future make my appearance before the Count and Countess de Guerchy, except as a very great, one of the greatest of adventurers."

As soon as his unwelcome visitor had left de Vergy hurried off to Bow Street with a tale of woe which resulted in D'Éon receiving the following note later in the day:

Mr. Kynaston, Justice of the Peace, presents his compliments to the Chevalier D'Éon, and has to inform him that M. de Vergy has sworn information against him for wishing to break the peace. Mr. Kynaston therefore requests that M. D'Éon will appear before him at six o'clock precisely, this evening, at Sir John Fielding's, Bow Street, Covent Garden, to answer the charge of the said M. de Vergy.

Bow Street, Covent Garden,

October 27, 1763.

The bold chevalier completely ignored this summons. "M. D'Éon returns no answer to this note, which is not signed, and if it had been by all the justices of peace in England he should not, and he ought not to return any answer, being the King's minister plenipotentiary," was the comment he made in reprinting the letter.<sup>1</sup>

<sup>1</sup> *A Letter Sent to His Excellency Claude . . . Count de Guerchy . . . by the Noble Charles . . . D'Éon de Beaumont . . . London, 1763, p. 22.*



Certainly the question of diplomatic immunity was raised, and John probably had the approval of the government in not pursuing the matter further.

De Vergy and de Guerchy continued to malign their fellow-countryman, and tried to get the government to arrest him for not returning to France when ordered to do so. Beyond banning him from St. James's, however, no action was taken, and de Guerchy therefore made his own preparations to remove the offender. D'Éon countered them by assembling an armed force of Frenchmen and turning his house in Brewer Street, Golden Square, into a passable imitation of a fortress, even going so far as to mine it so that if the worst happened he could blow himself and his enemies into eternity. As late as September, 1764, he made a declaration before John that he would resist any attempt on the part of the ambassador to arrest him.

Whatever the rights and wrongs of the quarrel between the two Frenchmen, D'Éon aggravated it by publishing in March, 1764, his version of the affair, in which de Guerchy, of course, appeared as a most complete scoundrel. To make matters worse, the book was witty and sold well. The government was hard put to it to decide what action should be taken to protect the French ambassador. Concerning a proposal to deal with D'Éon as an ordinary person alleged to have published a libel, Grenville wrote as follows to the King on April 4: "I am most truly sensible of your Majesty's goodness in apprizing me of the measure intended to be proposed, which seems to me not to be sufficiently considered for a question of this delicacy and importance, in which the least mistake would be attended with very unhappy consequences. The seizing M. D'Éon's papers by Sir John Fielding's warrant, would, I fear, in the present situation, contribute very little to put a stop to what is complained of, and would, if the legality of the proceedings should be even questionable, be the subject of much clamour and uneasiness."<sup>1</sup>

<sup>1</sup> *Grenville Papers*, ii, p. 286.

At length it was decided that the Attorney-General should prosecute D'Éon for libelling the French ambassador. The case came on in July, 1764, but the obstreperous chevalier refused to plead on the grounds that he had not been given time to find his witnesses. However, although he did not appear he was found guilty. Sentence was deferred until the following November, by which time he had learned enough sense to leave London, so that the case fizzled out. Early in 1765, the affair took a surprising turn, for the charge of plotting to assassinate him which D'Éon had made against de Guerchy was upheld by the Grand Jury owing to the confession of de Vergy, the ambassador's tool. The ministers were as puzzled by this as de Guerchy himself, and after deliberation adopted the time-honoured English policy of ignoring the unpleasant. De Guerchy returned to Paris, and therefore D'Éon to London.

In October, 1774, de Vergy lay dying at Blackheath, and his confession was taken by two magistrates appointed by John Fielding at D'Éon's request. De Vergy confirmed his earlier statement that he had been employed by the ambassador to get D'Éon out of the way. This, however, did little to dispel the cloud of mystery which always enveloped the unfortunate chevalier, and he was still the subject of all kinds of rumours, one of which he nailed by inserting the following notice in the *Public Advertiser* of Tuesday, November 19, 1774: "Sunday night the Right Hon. Earl Ferrers, Sir John Fielding, Mess. Addington and Wright, and other worthy magistrates and gentlemen, and their ladies, did the Chevalier D'Éon the honour to dine with him in Brewer Street, Golden Square; a convincing proof that he is not confined in the Bastille, as certain weak and wicked persons have popularly asserted, ignorant of the justice and honour his worth and merit have deserved."

Although de Vergy died in October, 1774, he was not buried until the following March. He had expressed the wish to be buried in his own country, and as he left



no money and had no friends in England, John wrote to his relations in France and to Monsieur Le Noir, Lieutenant of Police in Paris, requesting them to make arrangements for the funeral. They refused to do anything, and eventually John himself paid for the burial, which took place at St. Pancras. A newspaper paragraph announced that the expenses would be defrayed by the publication of a book which de Vergy had just finished, to which were to be added the letters which had passed between John and Le Noir and de Vergy's relations. I have not been able to trace this book.<sup>1</sup>

That he had been confined in the Bastille was the least of the rumours about poor D'Éon. From about 1771, he occasioned "much and strange discourse" which Horace Walpole summarised in these words: "A notion had for some time prevailed that he was a woman in man's habit. The Duc de Choiseul believed it from the report of an English female spy who pretended to be certain of it from having washed his linen; and as the report spread, it gained further credit from assertions that he had never dressed himself before any witness, nor could any of his comrades recollect an instance of his amours. His beard, though black, was inconsiderable; and though he was strong and an excellent fencer, his legs had a feminine turn. At first he pretended to resent this report, but afterwards spoke and wrote so dubiously on his sex, that the most judicious suspected him for the author of the fable from interested views. Sometimes he disappeared and returned again, till by the usual discrepancy of opinions, very great sums were wagered on the question; and he, though he denied the charge in print, was taxed with encouraging those bets in order to share the spoil, according as he should pronounce on his gender."<sup>2</sup>

As much as £120,000 was at stake on this intriguing question, which was at length decided by one of the strangest actions ever heard in an English court of law.

<sup>1</sup> *Soho and its Associations*, by E. F. Rimbault, 1895, pp. 75-76.

<sup>2</sup> *Memoirs of George III*, iv, pp. 218-19.

In June, 1777, a man who had wagered that D'Éon was a woman sued the other party to the transaction on the grounds that the issue was no longer in doubt. Two witnesses for the plaintiff, one a surgeon, swore they had seen for themselves that D'Éon was a woman, and the case was decided in favour of all those who had wagered that this was the truth. The discredited chevalier left England, and was ordered by the King of France to wear women's clothes.

In 1785, D'Éon returned to London as *Mademoiselle la Chevalière D'Éon*, and lived in England as a woman until 1810, when death made it possible for the question of sex to be decided beyond doubt. A post-mortem revealed that D'Éon was a man.

It seems that John Fielding had sympathy for this poor freak of nature, who was physically a man but mentally a woman. He probably realised when he first came into contact with D'Éon that de Guerchy was most to blame over the events which brought the Chevalier to the notice of Bow Street. What John thought about D'Éon's sex I do not know.

So much for the half-sexed D'Éon ; now for the supercharged Casanova. That engaging scoundrel arrived in England during the winter of 1763, and soon picked up an alluring, pink and white, blue-eyed creature of twenty-three or so, one Marianne Charpillon, the breadwinner of a family of bawds and harpies living in Denmark Street, Soho. Casanova had already had some shady financial dealings with the elder Charpillons, whom he had met on the continent, and they were not pleased to see him again. But blackmail was their game, not his ; all he wanted was Marianne. She persistently refused him. At length, inflamed beyond endurance, one night he threatened to take his cane to her. In fear and trembling Marianne rushed out of the house in her night-clothes and poured out her tearful tale at Bow Street. This she did more on behalf of her rascally family than for her own sake, for she was really a willing girl ; but Casanova's knowledge of the Charpillon's financial operations made him a source of



embarrassment to them, and they wished him away on a charge of assault.

This was in January, 1764, at the time of the wedding of the Duke of Brunswick and Princess Augusta, George III's sister. What followed may best be told in Casanova's own words, as translated by Mr. Arthur Machen.<sup>1</sup> On the night of January 24-25, the fiery Italian went to a subscription ball given in honour of the royal wedding by the Duke and Duchess of Grafton at Carlisle House, "lent" for the occasion by Mrs. Cornelys for a fee of two hundred guineas. He left about one o'clock in the morning :

It was Sunday, a day on which all persons, save criminals, are exempt from arrest ; but, nevertheless, the following adventure befell me :

I was dressed magnificently, and was driving home in my carriage, with my negro and another servant seated behind me ; and just as we entered Pall Mall I heard a voice crying, "Good night, Seingalt." I put my head out of the window to reply, and in an instant the carriage was surrounded by men armed with pistols, and one of them said : "In the King's name !"

My servant asked what they wanted, and they answered :

"To take him to Newgate, for Sunday makes no difference to criminals."

"And what crime have I committed ?"

"You will hear that in prison."

"My master has a right to know his crime before he goes to prison," said the negro.

"Yes, but the magistrate's abed."

The negro stuck to his position, however, and the people who had come up declared with one consent that he was in the right. The head constable gave in, and said he would take me to a house in the city.<sup>2</sup>

<sup>1</sup> *My Life and Adventures*, by Casanova (1797), translated by Arthur Machen, 1932, pp. 820-25 ; *Casanova in England*, by Horace Blackley, 1923, pp. 173-81.

<sup>2</sup> Probably the nearest roundhouse.

“Then drive to the city,” said I, “and have done with it.”

We stopped before the house, and I was placed in a large room on the ground floor. . . . At last the day dawned, and . . . news was brought that the magistrate was sitting. A coach was summoned, and I got into it, for if I had dared to walk along the streets in my magnificent attire the mob would have pelted me.

I went into the hall of justice, and all eyes were at once attracted towards me; my silks and satins appeared to them the height of impertinence. At the end of the room I saw a gentleman sitting in an armchair, and concluded him to be my judge. I was right, and the judge was blind. He wore a broad band round his head, passing over his eyes. A man beside me, guessing I was a foreigner, said in French :

“Be of good courage, Mr. Fielding is a just and equitable magistrate.”

I thanked the kindly unknown, and was delighted to see before me this famous and estimable writer, whose works are an honour to the English nation. When my turn came the clerk of the court told Mr. Fielding my name, at least, so I presume.

“Signor Casanova,” said he, in excellent Italian, “be kind enough to step forward. I wish to speak to you.”

I was delighted to hear the accents of my native tongue, and making my way through the press I came up to the bar of the court, and said :

“Eccomi, Signore.”

He continued to speak Italian, and said :

“Signor Casanova, of Venice, you are condemned to perpetual confinement in the prisons of his Majesty the King of Great Britain.”

“I should like to know, Sir, for what crime I am condemned. Would you be kind enough to inform me as to its nature?”

“Your demand is a reasonable one, for with us no one is condemned without knowing the cause of his condemnation. You must know, then, that the accusa-



tion (which is supported by two witnesses) charges you with intending to do grievous bodily harm to the person of a pretty girl ; and as this pretty girl aforesaid goes in dread of you, the law decrees that you must be kept in prison for the rest of your days."

"Sir, this accusation is a groundless calumny ; to that I will take oath ! It is very possible indeed that the girl may fear my vengeance when she comes to consider her own conduct, but I can assure you that I have had no such designs hitherto, and I don't think I ever shall."

"She has two witnesses."

"Then they are false ones. But may I ask your worship the name of my accuser ?"

"Miss Charpillon."

"I thought as much ; but I have never given her aught but proofs of my affection."

"Then you have no wish to do her any bodily harm ?"

"Certainly not."

"Then I congratulate you. You can dine at home ; but you must find two sureties. I must have an assurance from the mouths of two householders that you will never commit such a crime."

"Whom shall I find to do so ?"

"Two well-known Englishmen, whose friendship you have gained, and who know that you are incapable of such an action. Send for them, and if they arrive before I go to dinner I will set you at liberty."

The constable took me back to prison, where I had passed the night, and I gave my servants the addresses of all the householders I recollected, bidding them explain my situation, and to be as quick as possible. They ought to have come before noon, but London is such a large place ! They did not arrive, and the magistrate went to dinner. . . . The chief constable, accompanied by an interpreter, came to say that I must go to Newgate. . . . The interpreter told me in a whisper that the fellow was certainly paid by the other side to put me to trouble, but that if I liked to bribe him I could stay where I was.

“How much will he want?” I asked.

The interpreter took the constable aside, and then told me that I could stay where I was for ten guineas.

“Then say that I should like to see Newgate.”

A coach was summoned, and I was taken away. When I got to this abode of misery and despair, a hell such as Dante might have conceived, a crowd of wretches, some of whom were to be hanged in the course of the week, greeted me by deriding my elegant attire. . . . But in the course of half an hour the constable who had tried to get ten guineas out of me told me that bail had arrived and that my carriage was at the door.

I thanked God from the bottom of my heart, and soon found myself in the presence of the blind magistrate. . . . My sureties were informed of the amount in which they were to bail me, and signed with a light heart, and then the magistrate said, politely :

“Signor Casanova, please to sign your name for double the amount, and you will then be a free man again.”

I went towards the clerk’s table, and on asking the sum I was to answer for I was informed it was forty guineas, each of my sureties signing for twenty. I signed my name, telling Goudar<sup>1</sup> that if the magistrate could have seen the Charpillon he would have valued her beauty at ten thousand guineas. . . .

I saluted the judge with respect, although he could not see me, and asked the clerk if I had anything to pay. He replied in the negative, and a dispute ensued between him and the attorney of my fair enemy, who was disgusted on hearing that she could not leave the court without paying the costs of my arrest. . . .

That, then, was Casanova’s story. It needs a little comment. First, he mistook John for Henry Fielding, a not unnatural mistake on the part of a foreigner, even though nearly ten years had passed since Henry’s

<sup>1</sup> The Chevalier Goudar was a decoy-duck employed by the Charpillon household to bring in customers.



death. Next, it is very interesting to find that John spoke fluent Italian. It will be remembered that his mother was the widow of an Italian, though English herself. Almost certainly she spoke her first husband's language, and very likely it was from her that John received a rudimentary education in Italian, which he extended during the period when he had to rely for amusement on the "rational delights of reflection, contemplation and conversation."

Casanova went on to put into John's mouth words which no magistrate could possibly have uttered: "You are condemned to perpetual confinement in the prisons of his Majesty the King of Great Britain," and so on. Obviously this is mere embroidery; Casanova was never the man to let accuracy spoil a good story, but, in fact, he was not the liar that he has been made out to be. John may well have told him that the offence with which he was charged rendered him liable on conviction to a long term of transportation, and this, perhaps, stuck in the old rake's memory, toppling out in garbled form when he wrote the story of his life some thirty-five years later. Otherwise his narrative is a fair and interesting commentary on John Fielding's administration of justice. If Casanova really did threaten to smack the Charpillon, his arrest was a plot, as John must very soon have found out through his detectives, for undoubtedly the Charpillon menage had its place in the Bow Street records.

Casanova never forgot his unsuccessful affair with Marianne Charpillon; his memoirs show that he regarded it not merely as one of the deepest disappointments of his life, but as the very cause of his downfall. She herself would probably have been forgotten long ago but for her appearance in his pages, for there was nothing about her subsequent liaison with John Wilkes to warrant her immortality.

Next upon our scene comes Guiseppe Baretti (1719-89), author of an "Italian and English" dictionary amongst other works, and the friend and helper of Dr. Johnson. He came to London from Turin in 1751.

“A few days after my arrival,” he informed his brother by letter, “I had the good fortune to make the acquaintance of Henry Fielding, author of *Tom Jones*, *Jonathan Wild* and many other works that must be known to you in French translations. He is one of the junior magistrates of the city, and is therefore well informed as to its condition.”<sup>1</sup> Baretti may well have sought out Henry Fielding so soon after arriving in London because he had a letter of introduction to John Fielding as a man who spoke Italian; at any rate, we shall see that he knew John, and counted on him as a friend.

The circumstances which brought Baretti to Bow Street on the wrong side of the law were these: On the evening of October 6, 1769, Baretti, a timid man, despite his bad temper, and very short-sighted, was accosted by a woman in Panton Street, Haymarket, so roughly that he had to push her away. Immediately three bullies came up and threatened him, and when he ran off, followed hard on his heels. Dark and ill-paved as Panton Street was, in any case Baretti could not see where he was going, and at length, too terrified to run any further, he turned on his pursuers and blindly lashed out at them with a pocket knife. One of them named Morgan fell to the ground, and the others made off. A crowd gathered; “I put up my knife, desired them to arrest me, begged they would send for a coach and take me to Sir John Fielding,” Baretti said later in evidence. “Sir John heard what I and the men had to say. They sent me to a room below, from whence I dispatched a man to the club in Gerrard Street,<sup>2</sup> when Sir Joshua Reynolds and other gentlemen came to me. A messenger was dispatched to the Middlesex Hospital, where the said Morgan was carried. After two hours a surgeon came and took his oath that Morgan was in danger. I could not therefore give bail, and Sir John committed me to Tothill-Fields Bridewell.”<sup>3</sup>

<sup>1</sup> *Scritti Scelti inediti o rari di G. Baretti*, edited by Baron Pietri Custodi, 1822, pp. 325 ff.; *Giuseppe Baretti*, by Lacy Collinson Morley, 1909, p. 66.

<sup>2</sup> The “Literary Club,” founded by Reynolds in 1764 “to give Dr. Johnson unlimited opportunities of talking.”

<sup>3</sup> *Sessions Papers*, 1769, pp. 423-32; Morley, pp. 205-06.



Baretti's biographer observes that "Sir John Fielding. . . . showed great consideration for Baretti in sending him to Tothill-Fields. The prison was clean and airy, even the prisoners being made to wash, and it was one of the best in London."<sup>1</sup> The last remark is a little naïve, but there is no doubt that John did his best for Baretti, realising that he was morally innocent of any crime. That Baretti himself asked to be taken before John shows that he knew him not only as a man who would deal fairly with him, but also, and above all, as one who spoke Italian, a great advantage in such circumstances even though Baretti's English was good.

Morgan, the bully, died, and John therefore had to commit Baretti to trial at the Old Bailey on a charge of murder. The case was heard by Lord Mansfield on October 20, 1769, and ended in an acquittal. "Never did such a constellation of genius enlighten the awful Sessions-house, emphatically called Justice-hall," said Boswell; "Mr. Burke, Mr. Garrick, Mr. Beauclerk, and Dr. Johnson; and undoubtedly their favourable testimony had due weight with the court and jury. Johnson gave his evidence in a slow, deliberate and distinct manner, which was uncommonly impressive." Amongst others who bore witness to Baretti's good character were Reynolds and Goldsmith. It is noteworthy that a Mr. Perrin and a Major Alderton who gave evidence of the gross behaviour of the Haymarket women, both said they had complained on several occasions to Sir John Fielding, and he had done his best to remove the evil, succeeding to some extent by withdrawing the licence of a notorious night-cellar in the neighbourhood. Even this was no easy matter, for when John attempted to take action there was an outcry that the cellar was essential to the chairmen in the neighbourhood; however, he eventually got his way. There was little else he could do, the watchmen being what they were.

Baretti must now give place to Theresa Cornelys

<sup>1</sup> Morley, p. 206.

(1723-97). The daughter of a German actor named Imer, she was born in Venice, and followed her father's profession as well as an older one. She married a dancer named Pompeati, and for some years acted and sang on the continent and in London under his name and also as Madame Trenti. In 1760, as Mrs. Cornelys, aged thirty-seven, she settled permanently in London. "This is a singular dame, and you must be acquainted with her," Walpole told Mann in a letter dated February 22, 1771. "She took Carlisle House in Soho Square, enlarged it, and established assemblies and balls by subscription. At first they scandalized, but soon drew in both righteous and ungodly." Casanova, it will be remembered, was on his way home from Carlisle House when he was arrested, and Mrs. Cornelys, whom he first met in Venice, was, in fact, one of his many mistresses, and had a child by him.

All went well with Theresa Cornelys until February, 1771, when she began to give what were called "Harmonic Meetings," which were no more or less than performances of opera. Now under the Licensing Act of 1737 (10 Geo. II. c.28), not only were stage performances prohibited without license from the Lord Chamberlain (as is still the case) but also theatres could only be licensed in Westminster or wherever the King was residing for the time being. As there was already an Opera House in the Haymarket, there was no question of another one being licensed. Horace Walpole shall continue the story: "Mr. Hobart, Lord Buckingham's brother, is manager of the Haymarket. Last year he affronted Guadagni, by preferring the Zamperina, his own mistress, to the singing hero's sister. The Duchess of Northumberland, Lady Harrington, and some other great ladies, espoused the brother, and without a license erected an Opera for him at Madame Cornelys's. . . . Her Opera, which she called 'Harmonic Meetings,' was splendid and charming. Mr. Hobart began to starve, and the managers of the theatres were alarmed. To avoid the Act, she pretended to take no money, and had the assurance to advertise that



the subscription was to provide coals for the poor, for she has vehemently courted the mob, and succeeded in gaining their princely favour. She then declared her masquerades were for the benefit of commerce. I concluded she would open a bawdy house next for the interests of the Foundling Hospital, and I was not quite mistaken, for they say one of her maids, gained by Mr. Hobart, affirms that she could not undergo the fatigue of making the beds so often."

At last George Hobart (later the third Earl of Buckinghamshire) laid an information against Mrs. Cornelys before John Fielding, and the case was heard on February 20, 1771, by John and nine other magistrates. They arrived at the very unpopular but undoubtedly just verdict of guilty. Lloyd Kenyon, later Lord Chief Justice, defended Mrs. Cornelys, and the case attracted as much attention as those in which the late Mrs. Meyrick figured. As both the polite world and the mob were largely on Mrs. Cornelys's side John sent a copy of his summing up to the *Gentleman's Magazine*<sup>1</sup> and other papers, to counter the biased reports which were spread about. His speech is not only interesting in itself but is also unique evidence of his judicial abilities :

We are well apprized (said Sir John Fielding) that the complaint before us relates to the amusement of many of the first nobility in this kingdom ; but rank, when it shall be opposed to law, will never convey any ideas of fear to this bench, but on the contrary it ought and will animate the magistrates to discharge their public trust with the greater exactness, fidelity, and attention. Persons of fortune have it in their power to procure the ablest assistance of the Bar, and our conduct regarding people of fashion will have the advantage that it will be considered with that good sense, candour, and impartiality which are the natural consequences of a superior education, and which, when our decisions relate to the common people, is seldom the case, for though it be easy to do them justice, it is very difficult to give

<sup>1</sup> *Gentleman's Magazine*, March, 1771, pp. 121-22.

them satisfaction. We are now sitting in our judicial capacity, and are called upon to execute a very severe penal law by a mode of trial without a jury, which has been ever obnoxious to censure, but not so injurious to the subject, as may have been imagined.

The increase of people, the increase of riches, and the advancement of luxury, multiplied offences in society to such a degree, that the established Courts of Judicature could not go through the business ; hence it was that the Legislature delegated this species of authority of hearing complaints in a summary way to one or more magistrates, but in general with this restriction, that if the party thought himself aggrieved, he had a right to appeal to the next Quarter Sessions, where the magistrates in their collective capacity might confirm or quash such proceedings. And as there are often more than twelve justices on the bench on these occasions, this in a great measure answers the end of a special jury.

The mode prescribed for carrying penal laws into execution is by information, and the Legislature has thought proper to give a part of the penalty forfeited to the informer, in order, as 'tis supposed, to defray the expense of such prosecution. And this I must acknowledge has from time to time tempted idle and wicked people to gain their livelihood by bringing *Qui tam* actions in the Court at Westminster,<sup>1</sup> and making common informations against the unwary before magistrates, but it is well known that such informers have no countenance from this bench.

This is a prosecution agreeable to the intention of the Legislature, and founded on a real and substantial injury, and carried on to support a private right founded on a grant from the Crown, which has been confirmed by Act of Parliament, and as we are in this case to be considered as a jury, we ought to exert the privileges of a jury, by taking the whole evidence together, and

<sup>1</sup> The plaintiff in such actions formally described himself as one who (*qui*) sued for himself as well as (*tam*) for the Crown, so that he should share the penalty.



from that evidence conscientiously and honestly declaring whether we think the party complained of guilty or not. And in order to consider the evidence that has been given against Mrs. Cornelys upon this principle I will state it to the best of my recollection. She is charged with causing an opera to be performed in her house for hire, gain, and reward, without proper authority, contrary to the Statute 10 Geo. II, c.28. She by her attorney has pleaded not guilty. . . .

At this point Sir John summed up the evidence on both sides. As we already know that Mrs. Cornelys was in fact giving operas, I need only say that the prosecution showed that any member of the public could buy a ticket, and that operas were performed at Carlisle House "as operas are usually performed," while the defence said that Mrs. Cornelys was not an interested party, but simply the manager of an entertainment given by private subscription. Sir John continued :

Ever since this mode of trial in a summary way, the sages of the law have from time to time laid down rules for the construction of penal Statutes, and they all agree in this one circumstance, that you ought first to consider the spirit and reason of the law, and secondly the letter, by which means you at once see the mischief and the remedy, and that these laws should be construed strictly agreeable to the intention of the Legislature, and upon these principles it is I do adjudge Mrs. Cornelys to be guilty of the offence mentioned in the aforesaid Act, and that she hath thereby forfeited the sum of £50.

This was the end of Sir John's speech in court, but to the copy of it sent to the *Gentleman's Magazine* he added the following remarks, part of which has been quoted in nearly every book on London written during the last hundred years or so :

Such is the substance of the proceedings in the affair of Mrs. Cornelys, and in these sentiments all the magis-

trates on the bench with me (being nine in number) unanimously concurred; to which I shall add a few general remarks.

Diversions have ever been considered in all states as matters of great importance, and the wisest nations have dealt them out the most sparingly, and 'tis well worth notice, that in this very Act the power of the King, to grant his letters patent, or the Lord Chamberlain his license, is confined to Westminster, unless the King resides in any other place, and then it is only during his residence in that place. For in the case of the playhouse at Bath, they were obliged to present a petition to Parliament for an Act to enable the King to grant his letters patent for a theatre there; so that this does not seem to be so much a natural part of the King's prerogative, as what has been given by Parliament, and the lessening the places of public entertainment has been for some time an object of the Legislature; and yet, let us for a moment consider what a number of these places do exist in this metropolis.

In the first place, there are the Theatres Royal of Drury Lane and Covent Garden, under the management of two of the greatest genius's that ever were in the same situations, who exert all their abilities in emulation of each other to entertain the town with variety.<sup>1</sup> Then at the Theatre Royal in the Haymarket you have the great Aristophanes, Mr. Foote, who makes us shake our sides with laughter. Then have you Ranelagh, the politest place of entertainment in Europe, under the direction of the great Sir Thomas Robinson;<sup>2</sup> at Sadler's Wells you have everything to entertain that tumbling and feats of activity can afford; at Marybone you have music, wine, and plumb cake.<sup>3</sup> Then you

<sup>1</sup> Garrick at Drury Lane, and George Colman the elder at Covent Garden. It is this passage that has been so frequently quoted.

<sup>2</sup> "Long" Sir Thomas Robinson (1700(?)–77), so called to distinguish him from his namesake who was created Baron Grantham. "Long" Sir Thomas made the Rokeby of which Scott wrote; was Governor of Barbados, 1742–47, and latterly manager of Ranelagh. He was a member of "Tom's Coffee-House," as was John Fielding.

<sup>3</sup> The following typical advertisement of Marylebone Gardens, from the *Daily Advertiser* of May 6, 1760, still makes one's mouth water: "Mr. Trusler's daughter begs leave to inform the Nobility and Gentry, that she



have White Conduit House,<sup>1</sup> and other tea-drinking houses all round the town, and what honest Englishman can say he wants amusement? Surely it is evident that luxury has been taking such gigantic strides as ought to make the magistrates jealous of her dangerous progress.

And before I conclude, I cannot help observing that what the magistrates said on Wednesday the 20th of February, as well as what none of them said, has been published in a newspaper; and though I again repeat, that I wish all my actions, not as a magistrate only, but as a man, might be known through the whole world, and though I am content that everyone who heard me should be a shorthand-writer, and publish everything I have said; yet I do desire that nothing may be published but the truth, for I fear not truth, but misrepresentation.

There can be few who will not agree that John's conduct of this affair was wise. The broadmindedness which he said was the quality of people of good birth was not very conspicuous in the tantrum into which the polite world worked itself on hearing of Mrs. Cornelys's conviction; of course, John knew very well that this quality did not cover interference with the pleasures of the town. However, the furious raging of somebodies and nobodies did not prevent Guadagni, the chief singer at Carlisle House, also being fined, and threatened with Bridewell, "which," said Horace Walpole in the letter already quoted, "chilled the blood of all the Caesars and Alexanders he had ever repre-

intends to make Fruit Tarts during the fruit Season; and hopes to give equal Satisfaction as with the rich Cakes, and Almond Cheesecakes. The Fruit will always be fresh gathered, having great quantities in the Garden; and none but Loaf Sugar used, and the finest Epping Butter. Tarts of a Twelvepenny size will be made every day from One to Three o'clock; and those who want them of larger sizes to fill a Dish, are desired to speak them, and send their dish or the size of it, and the Cake shall be made to fit. The Almond Cheesecakes will be always hot at one o'clock as usual; and the rich Seed and Plum-cakes sent to any part of the town, at 2s. 6d. each. Coffee, Tea, and Chocolate, at any time of the day; and fine Epping Butter may also be had."

<sup>1</sup> White Conduit House, Pentonville.

sented; nor could any promise of his lady-patronesses rehabilitate his courage—so for once an Act of Parliament goes for something.” Walpole had the good sense to see that the prosecution was just.

John was perfectly right in saying that the Londoner had plenty of places of amusement. The trouble with the Act of 1737 lay not in this direction but in its confinement of “straight” plays to the patent theatres. When, in 1843, the Act was repealed in so far as it limited the number of theatres where “straight” pieces might be performed, that is to say, when anyone was allowed to take out a license from the Lord Chamberlain, not a single new theatre had to be built in London, because there were already plenty of houses “licensed for music and dancing” where stage plays were being given as “burlettas,” an indefinite form of entertainment which was just not “straight” enough to upset the Lord Chamberlain. Not counting one or two houses in the course of erection or projected at the time of the passing of the measure of 1843, it was not, in fact, until 1866 that a new theatre was built in London.<sup>1</sup>

This affair was virtually the end of Mrs. Cornelys. She went bankrupt the next year, and in 1774 left London for Southampton, where she kept an hotel for a time. Then she returned, and eked out a wretched existence as a seller of asses’ milk, going by yet another name, this time the prosaic one of Smith. She died a debtor in the Fleet Prison in 1797, at the age of seventy-four.

Carlisle House, however, was still used as a place of entertainment, and in the winter of 1780, after John’s death, the Sunday afternoon “promenades” held there were a main cause of the passing of the Sunday Observance Act, by which all Sunday entertainments at which money is taken are still forbidden. As everyone knows, Sunday cinemas are now protected from this Act by legislation passed in 1931 and 1932.<sup>2</sup>

<sup>1</sup> *History of the Early Nineteenth Century Drama*, by Prof. Allardyce Nicoll, 1930, pp. 5–6.

<sup>2</sup> Dr. Beilby Porteous, Bishop of Chester, who promoted the Act of 1780, probably did not exaggerate when he described the Carlisle House



"promenades" as being frequented by "the lowest and most profligate characters that could possibly be assembled together from every part of London." The Bill was also directed against the atheistical "Theological Assemblies," but was intended to put a stop to Sunday diversions in general, and not merely those particularised. For the debates on the Bill, see Cobbett's *Parliamentary History*, XXII, pp. 262-90, and *The Literature of the Sabbath Question*, by R. Cox, 1865, ii, pp. 234-39.

## CHAPTER XIII

### PRIVATE LIFE

FEW details of John Fielding's private life have survived ; in any case he was nearly always hard at work. He did not exaggerate when he said in the preface to *The Universal Mentor*, a book of essays which he published in 1763, " duty obliges me to live in a constant contention with the refuse of the creation ; and to be so incessantly employed in this labour, as not to have leisure to converse with friends, or to enjoy, with any degree of comfort, the common necessities of life—a station full of difficulties, full of perplexities, full of dissatisfactions."

Occasionally he was able to snatch a short holiday, handing over his duties to other magistrates. He was very friendly with his kinsman the Duke of Kingston, the victim of Miss Chudleigh's wiles, whom John had to serve professionally in July, 1762, when her house in Brompton was broken into and a servant wounded.<sup>1</sup> From a rather scurrilous work entitled *Original Anecdotes of the late Duke of Kingston, and Miss Chudleigh*, published in 1792 by Thomas Whitehead, a footman formerly in the Duke's employ, we learn that both the Duke and his mistress were frequent visitors to Bow Street, while John and his wife often went to stay with them in the country. Writing of the period 1761-69, before the Duke married Miss Chudleigh (who, it will be remembered, already had a husband, John Hervey, third Earl of Bristol), Whitehead said :

Sir John and Miss C. were very intimate ; so much so that she and the Duke seldom missed the examination

<sup>1</sup> *Public Advertiser*, July 2, 1762. The house, Kingston House, Knightsbridge, still stands.



of any felon brought before the magistrate. Indeed Miss C's carriage and the Duke's were as well known in Bow Street as any of Sir John's thief-takers. Even the coachmen were ashamed to attend them, waiting so many hours amongst a nest of thieves and thief-takers. Sir John and his lady were invited one summer with Miss C. and some few more to spend a week at Pierre-point Lodge. As it was very warm weather, Sir John had an inclination to bathe, there being a fine trout river at the south side of the Lodge, running by the pleasure ground. I offered my assistance with his man, to attend him. . . . Another time, Sir John was invited to Thoresby; where he was much delighted with the amusements it afforded: he was particularly pleased with the yacht in the large piece of water; climbing up the ratlings, quite to the yard-arm, and feeling out every part of the vessel; thus amusing himself on board for an hour at a time or more. In the evening he was placed by the side of a brook, with rod and line: I have seen him catch perch of a pound weight as fast as his servant could bait his hook.

A pleasant picture, which shows that John was as vigorous physically as mentally, despite his blindness, yet fond of things quiet and simple. We can imagine him recalling his early days at sea while clambering over the yacht at Thoresby.

Lady Fielding (Elizabeth Whittingham) apparently had many friends in the north of England, among them the Reverend Dr. Alexander Carlyle (1722-1805), "Jupiter" Carlyle as he was called from his fine appearance. In his autobiography he tells us that in June, 1762, Lord Elibank, whose wife had just died, came to stay with him at Newcastle, to recover his spirits, and immediately fell in love "with a very handsome young lady, Miss Maria Fielding, a niece of Sir John Fielding" who was also staying in the house, probably with Lady Fielding. Mary Whittingham (she took the name of Fielding) was about sixteen at this time, and Lord Elibank nearly fifty, and he was so "ashamed and afflicted with





MARY WHITTINGHAM.

*(From a sketch on the back of a playing-card by her husband, Allen Fielding.)*

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his own feelings," his wife having died so recently, that he fell "into a kind of hysterical fit. Mrs. Carlyle told me afterwards that she had made him confess this, which she said he did because he saw she had found him out." Soon afterwards Lord Elibank left Newcastle for Harrogate, where he quickly forgot both Mary Fielding and his late wife.<sup>1</sup> From the Bow Street notices in the press it is clear that John was in London at this time.

He was a "clubable" man, and was a member of the famous club at "Tom's Coffee-House," 17 Russell Street, Covent Garden, started in 1764 (the coffee-house itself was well-known in Queen Anne's reign). Among the seven hundred original members of this club, which was the first in which the busy man and the aristocratic idler met on equal terms, were Garrick, Samuel Foote, the comedian, "Long" Sir Thomas Robinson, the great Lord Clive, Dr. Johnson, George Colman, the playwright, Goldsmith, the Duke of Northumberland, Arthur Murphy, barrister, actor, playwright and first biographer of Henry Fielding, Sir George Brydges Rodney (Admiral Lord Rodney), Count Bruhl, the Polish Minister, and Dr. Dodd, the divine who was hanged for forgery, to give but a few names indicating the variety of talents which the club housed.<sup>2</sup>

Among politicians, besides Lord Bute, his kinsman, John seems to have been particularly friendly with Lord Rochford, a stupid but otherwise harmless man, and Lord Suffolk, also no genius, who died of gout in 1779, at the age of forty. To both these men, who showed a genuine interest in police affairs, John usually ended his official letters "your respectful and affectionate friend."

In the summer of 1765, he and Lady Fielding visited Lichfield, the latter's birthplace, and spent much time with the Swards; Anna Seward was then but eighteen, and had yet to become the "Swan of Lichfield." Mr.

<sup>1</sup> *Autobiography of Dr. Alexander Carlyle*, 1910, pp. 445-46.

<sup>2</sup> *Club Life of London*, by John Timbs, 1866, i, pp. 161-63 (based on the actual records of the club, which existed until 1814. The house was pulled down in 1865).

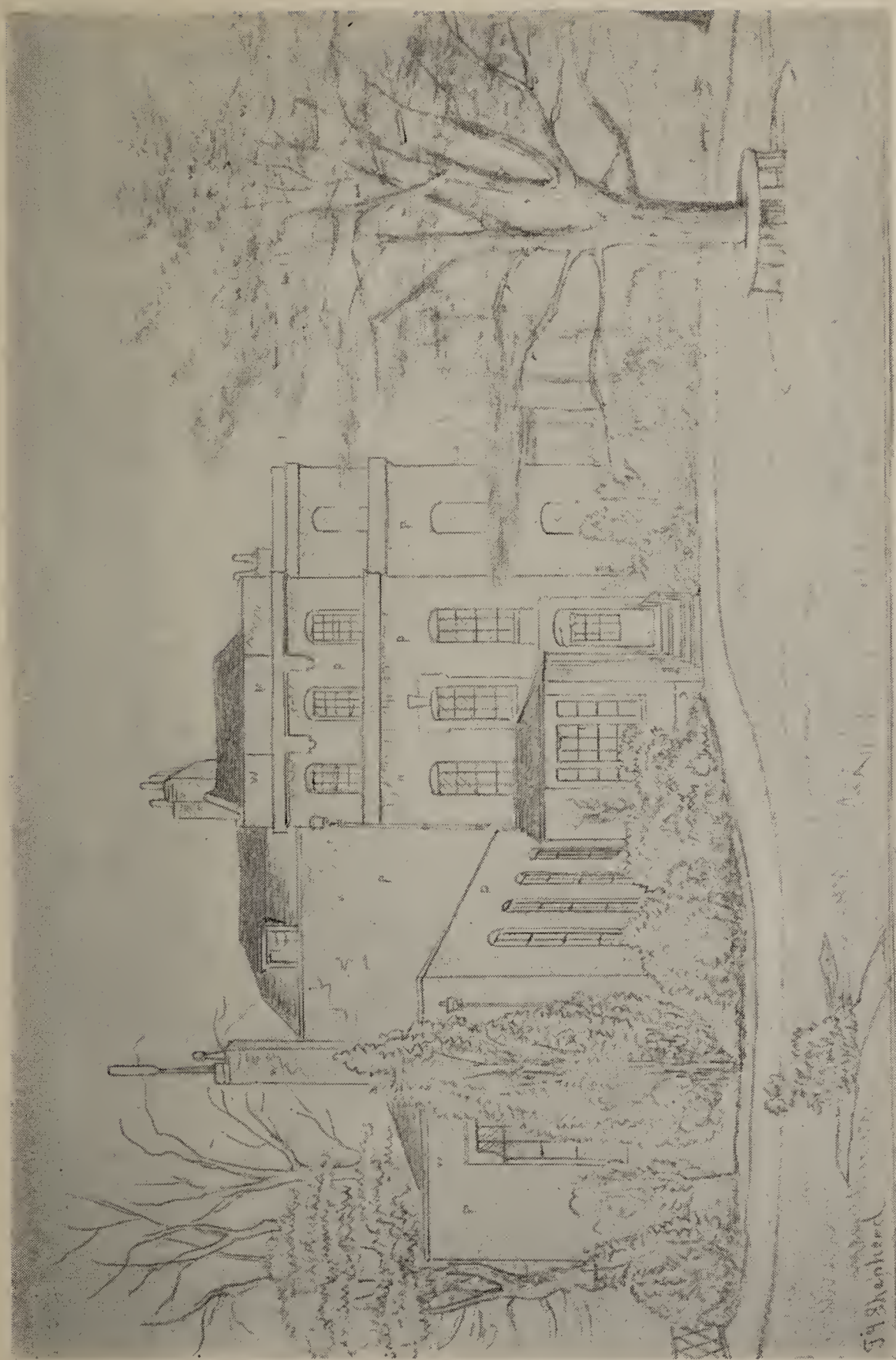


de Castro informs me he once had a copy of a very long letter, dated September 28, 1765, written by Anna to John, thanking him for a copy of Goldsmith's *Poems* which he had given to her. "It was so gushing," says Mr. de Castro, "that it must have made him quite uncomfortable on hearing it read." It is worth noting that Goldsmith referred to John in his rhymed letter to Mrs. Bunbury, written in 1772. Mrs. Bunbury and her sister had written to the poet, also in rhyme, amongst other things advising him to play loo. Goldsmith answered :

Now, ladies, I ask if law matters you're skilled in,  
Whether crimes such as yours should not come before  
Fielding ;  
For giving advice that is not worth a straw  
May well be called picking of pockets in law.

Sometime towards the end of 1768, John achieved his long cherished desire to have a country house as a retreat from Bow Street. It will be remembered that in his plan of 1761, he said that the magistrates should each "have a little country house at some small distance out of town." John fixed on Brompton, which was then highly regarded as a pleasant and healthy locality, conveniently near London yet still well in the country. The house, which John simply called Brompton Place, was later known as Grove House, as were a number of others in those parts, to the confusion of the historian. It stood, surrounded by a large garden, at the junction of Cromwell Lane (now Harrington Road) and Brompton Park Lane, which formed the link between Brompton and Kensington, now provided by Exhibition Road. Thurloe Place and Cromwell Place now cover the site. Due south was, and still is, the Hoop and Toy public house, which in John's day had a pleasant garden. About a mile from Hyde Park Corner, where the turmoil of London began, Grove House provided John with a complete change from his workaday surroundings.<sup>1</sup>

<sup>1</sup> Writing in 1808 of Gore House, where the Albert Hall is now and therefore not so very far from Grove House, William Wilberforce said he



SIR JOHN FIELDING'S HOUSE IN BROMPTON.

*(From a sketch by T. Hosmer Shepherd, 1852, now in the possession of the Kensington Public Library.)*





The Kensington rate books first show John as living in Brompton in January, 1769, his rent being £18 a year and rates £3 9s. od. Two years later he took in some more of the surrounding land, which increased his rent to £26 and rates to £7 os. 10d. For so little could a large country house be got in the eighteenth century.

If John was pleased at escaping from London, Lady Fielding must have been overjoyed, for at last she had an opportunity of bringing up her niece in proper surroundings and of entertaining her friends. In dedicating the 1768 edition of his *Extracts from the Penal Laws* to the Duke of Grafton, then Prime Minister, John thanked him for his help in getting the King's consent "to my memorial in behalf of Lady Fielding," and this memorial, which I have not been able to trace, may very well have stated, in effect, that Bow Street was no place for a woman, and Grove House may have been the result. It is significant that John went to live in Brompton in the same year.<sup>1</sup>

That John was given Grove House, or money for the purpose of taking a country house, by the good offices of some influential friend such as the Duke of Grafton, seems likely from the fact that in 1772 we hear of him as one of the Poor Knights of Windsor. The letter in question, from the Bishop of Exeter to Lord Rochford, was a complaint that too few of the members of the order were living in Windsor, although it was not then compulsory for all to do so. The list given by the Bishop shows that the Governor was our old friend Nathaniel Carrington, against whose name the Bishop wrote: "Very rich, and indeed, in strictness, disqualified by the Statutes of the Order, from being a poor knight, having more than £40 per annum in land."

could sit and read under the shade of the trees in his garden "as if I was 200 miles from the great city."

The air of Brompton was thought to be particularly suitable for consumptives, as witness the Consumptive Hospital in the Fulham Road. There is no evidence to support the tradition that Oliver Cromwell once lived in the neighbourhood.

<sup>1</sup> Kensington Public Library, Rate Books, January, 1769 (p. 32), etc.; *History of Kensington*, by Thomas Faulkner, 1820, p. 441.



John came next, with no remarks against his name, so that there is no doubt that he was properly qualified. On Carrington's death in 1777, the regulations were more strictly enforced.<sup>1</sup>

We already know that John had to provide for Henry's family as well as Lady Fielding, her niece, and himself out of his slender salary, and his poverty was compared with the affluence of those justices who did not scorn to pick up the "dirtiest money on earth." "You certainly do not consult your own interest, Sir John," said one writer, "why, you have been ten years creeping into a new coach, by hanging the most hardened and dangerous set of offenders, murderers, house-breakers, etc., whilst your brethren in Litchfield Street have in a little snug peddling track of commerce picked up comfortable fortunes."<sup>2</sup>

Further, and conclusive, proof that John had little more than his paltry salary of £400 a year is furnished by his request to Lord Suffolk on December 5, 1774, for the post of Law Clerk to the Secretary of State's Office, then vacant through the resignation of Lovell Stanhope, a brother of the famous (the fourth) Earl of Chesterfield, on his becoming member for Winchester. "For twenty years," wrote John, "I have contentedly laboured for daily bread, and have neither asked for anything, or bettered my situation." An unsigned slip attached to this letter bears the words: "I will consider of the proper manner of answering the enclosed

<sup>1</sup> S.P. 37/9, f. 85/11 (1772), S.P. 37/10, f. 86/34 (1773), S.P. 37/12, f. 123 (1777).

<sup>2</sup> *The Rat-Trap, dedicated to Lord Mansfield, addressed to Sir John Fielding*, by Robert Holloway, 1773. Holloway, an attorney, was for a time secretary to Baron Verlendis, the Venetian Ambassador (S.P. 37/9, f. 85/50AB, June 13, 1772). He made it his business to expose pettifogging attornies, "trading justices," thieving bailiffs, and the like, and helped to convict the notorious James Bolland, a Sheriff's Officer, who was hanged for forgery on March 18, 1772. In the above-mentioned pamphlet, Holloway, after praising John's abilities, integrity, and humanity, said: "I must confess that few magistrates . . . could squeeze from me a compliment of this magnitude. . . . I need not inform *you*, Sir John, that Middlesex justice and scoundrel are synonymous terms." He went on to accuse several justices of "trading," giving their names, for which he was convicted of libel on April 29, 1776 (*Annual Register*, p. 135). He did not say that Saunders Welch was dishonest but accused him of not supervising the other Lichfield Street justices.

against we meet next. 10 m. past 6 P.M.," which suggests that Lord Suffolk saw a good deal of John. For some reason the post was not made part of the establishment until 1782, and not filled until 1791, the work, which consisted of drafting warrants and commissions, and dealing with legal correspondence, in the meantime, presumably, being done by the second Under-Secretary. In 1791, the holder of the post was paid £300 a year. Assuming that John aimed at an Under-Secretary's salary of £500 a year, this attempt at "bettering his situation" is most illuminating, and proves conclusively that the "great emoluments" which Hawkins, and, indeed, the world in general, thought John received were a myth.<sup>1</sup>

Besides John there were several other blind men well known in London at this time, and one, the Reverend Dr. Cutts Barton, Dean of Bristol and Rector of St. Andrews', Holborn, once gave a dinner party consisting of John Stanley (1714-86), the musician and blind from the age of two, John Fielding, and two others also in the same state, the only people present who could see being the servants. "After partaking of a joyous feast, they took a humorous leave and departed." Our informant is Samuel Curwen (1715-1802), an American Judge of Admiralty who, disagreeing with the War of Independence, came to live in England during 1775-84. One of his first visits, on August 23, 1775, was "to Sir John Fielding's office, Bow Street; examination of prisoners for robberies, assaults, etc. He is a venerable gentleman and blind (as justice is represented); his queries manifested a mild deportment, ready apprehension, and great penetration." When telling the story I have just given, Curwen wrote of John as "of as eminent a character in the juridical line as perhaps any man in the civilised world," a very high tribute indeed, coming as it did from one who was himself a judge.<sup>2</sup>

<sup>1</sup> S.P. 37/10, f. 87/19A; *Commons Reports*, XII (Sixteenth Report from Finance Committee, 1797), pp. 300-01 (Law Clerk's salary).

<sup>2</sup> *Journal of Samuel Curwen*, 1775-83, edited by G. A. Ward, 1864, pp. 37, 285.



It is noteworthy that Curwen, aged sixty in 1775, had to describe John, aged fifty-four, as "venerable." The portrait by Peters does indeed show that John aged prematurely through sitting, year after year, in what his brother said was "the most unwholesome, as well as nauseous air in the universe." Henry died in his forty-eighth year; John did not see his fifty-ninth birthday. The extraordinary energy which the Fieldings displayed, coupled with the foul surroundings in which they had to work, had to be paid for in life-blood.

This all too brief glimpse of John Fielding's private life may end with his second marriage. On May 25, 1774, his first wife died at Brampton, near Carlisle.<sup>1</sup> She may have been on her way to or from some of her north country friends, perhaps the Carlyles, for apparently she had no connexion with Brampton itself. She was buried on May 31, under the chancel of Chelsea Parish Church, Cheyne Walk (now called Chelsea Old Church, for St. Luke's has taken its place). What John thought of her may be gathered from the epitaph he composed when he came to make his will: "She was approved by the sensible, esteemed by the worthy and blessed by the poor. She was an admirable housewife in the true sense of that word." There is no memorial of her, however.

On the following August 6, he married at Kensington Parish Church, Mary Sedgley of Brompton, "daughter and co-heiress of — Sedgley, Esq., of Middlesex."<sup>2</sup> The fact that John married again barely ten weeks after the death of his first wife need not be glossed over. Long mourning was not in fashion, especially in the Fielding family; above all, he himself had to be looked after, as well as young Mary Whittingham. We shall see a little more of the second Lady Fielding, when we shall find that she lived happily with the family which John, himself childless, had gathered round him.

<sup>1</sup> *Scots Magazine*, May, 1774.

<sup>2</sup> Lyson's *Environs of London*, iii, p. 222; *Gentleman's Magazine*, August, 1774, p. 390; *Collins's Peerage*, 1812.

Here, as well as anywhere else, we may take our leave of Saunders Welch. He, too, was broken by his fine work as High Constable and magistrate, and in 1776 sought a warmer climate, as Henry Fielding had done before him. His friend Johnson got him leave of absence through the good offices of Anthony Chamier, an Under-Secretary, and accordingly Welch sailed for Italy with his unmarried daughter Ann. As "another eminent proof of Johnson's warm and affectionate heart" Boswell reproduced a letter from Johnson, dated February 3, 1778, to "Saunders Welch, Esq., at the English Coffee-House, Rome," which began: "To have suffered one of my best and dearest friends to pass almost two years in foreign countries without a letter, has a very shameful appearance of inattention. But the truth is, there was no particular time in which I had anything particular to say; and general expressions of good will, I hope, our long friendship is grown too solid to want." The body of the letter "gives admirable advice how to travel to the best advantage," as Boswell said, and need not be quoted here. Johnson ended on this pleasant note: "When we meet, we will try to forget our cares and our maladies, and contribute, as we can, to the cheerfulness of each other. If I had gone with you, I believe I should have been better; but do not know that it was in my power."

When Welch returned I do not know. He died at Taunton Dean, Somerset, on October 31, 1784, a few weeks before Johnson, to whom he left five guineas with which to buy a mourning ring, a bequest which Boswell says was "received with tenderness." He was buried in St. George's, Bloomsbury, and a memorial tablet bearing an inscription by Sir John Hawkins was placed within the porch of the main entrance of the church. Both grave-stone and tablet have long since disappeared, but we may still echo the *Gentleman's Magazine* when, in noticing his death, it asserted that his "skill, activity, and integrity in the execution of the office of a magistrate will long be remembered."



## CHAPTER XIV

### THE BOW STREET C.I.D.

THE work of what I may call the Bow Street Criminal Investigation Department, consisting of John Fielding and six paid detectives, is best illustrated by a few of the hundreds of cases with which it dealt. Particularly interesting is one which came on at the Old Bailey in July, 1765, for not only does it give us an insight into the methods of "Sir John Fielding's people" but it is also one of the very few instances of a prosecution under the famous "Coventry Act."

It will be remembered that during a debate in the Commons on December 21, 1670, the Court Party opposed a motion to tax the theatres on the grounds that "the players were the King's servants, and a part of his pleasure." Whereat Sir John Coventry asked, "Whether did the King's pleasure lie among the men or the women that acted?" "This was carried with great indignation to the Court," wrote Bishop Burnet in his *History of My Own Times* (1643-1715). "It was said that this was the first time that the King was personally reflected on: if it was passed over, more of the same kind would follow, and it would grow a fashion to talk so. It was therefore fit to take such notice of this, that nobody should dare to talk at that rate for the future."

As Sir John Coventry was returning home, Sir Thomas Sandys and other courtiers "drew about him: he stood up to the wall, and snatched the flambeau out of his servant's hand, and with that in one hand and his sword in the other, he defended himself so well, that he got more credit by it than by all the actions of his life. He wounded some of them, but was soon disarmed,

and then they cut his nose to the bone, to teach him to remember what respect he owed to the King."

Naturally "this put the House of Commons in a furious uproar," and what came to be called the "Coventry Act" was passed, by which mutilation as distinct from wounding was made a capital offence. According to Burnet, "Coventry had his nose so well needled up, that the scar was scarce to be discerned."

Now on June 7, 1765, a certain Mr. Cranley Thomas Kirby was walking by Somerset House when he felt a hand in his pocket. The would-be thief was a boy, whom Kirby quickly seized, but two men and another boy closed round him, and one of the men, named Barney Carrol, slit Kirby's nose to the bone; then they all made off. Kirby, the blood streaming from his face, made his way to the nearest tavern, where his wound was dressed. The next evening, June 8, one of the doctors attending him reported the incident to Bow Street, Kirby himself being too ill to leave the inn. A passer-by who had witnessed the attack was traced by means of a newspaper advertisement, and in due course Barney Carrol and his accomplice William King were arrested and sent for trial. The "Artful Dodgers," Robert Byfield and Darby Mathews, were admitted as evidence, as it appeared that the men sent them out to pick pockets, they themselves simply standing by to rescue the lads if need arose. As I have said, Carrol and King were charged under the "Coventry Act." The following evidence given by Henry Wright, the detective who arrested Carrol, gives us an interesting glimpse of how Bow Street was run :

In consequence of some intelligence lodged at Sir John Fielding's, I went in pursuit of the prisoners. I met Barney Carrol and Robert Byfield the morning after this thing was done : I had been out with some handbills, and in the evening, about seven o'clock, we were informed Carrol had a watch upon him. I went up into the ruins of St. Giles's, and searched him.



I took out of his pocket a clasp-knife, the same as here produced ; I delivered it to him again. On Saturday, about eleven o'clock,<sup>1</sup> I went to Sir John Fielding, I had a card delivered to me of the people that had cut Mr. Kirby, from Mr. Marsden. I went, according to the description, on the Sunday night to Norfolk Street ; there I met with Barney Carrol and Mathews. I laid hold of Carrol, and said, "You are the man I have been looking for." Said he, "I judged it." I took this knife out of his right-hand breeches pocket, which I had taken from him before. I said, "Now show me the nearest way to St. Giles's round-house, and I will not handcuff you." I had a cutlass in my side-pocket. On the Friday<sup>2</sup> I saw King. . . Carrol and Byfield were on one side of the way, and King the other. . . . I had known the other two a great while, but I did not know so much of King. I thought they all belonged to each other, but I did not trouble myself about them then.

Wright was not cross-examined, and all that Carrol said for himself was : "I heard Harry Wright was after me ; I sent for him, knowing my innocence. When he took me up in the ruins of St. Giles's, he took me to the round-house ; then he told me it was for cutting a gentleman's face. I know nothing at all about it."<sup>3</sup> How often have those last words been heard in a court of law ! Both men were condemned to death and duly executed.

Now in Wright's evidence there is nothing that might not be said by a modern detective, details apart. Yet in reporting the case the *Annual Register* made an observation which demonstrates very well the contemporary hatred of the thief-taker, a feeling which persisted so long that the formation of a detective branch of the Metropolitan Police was a matter of great

<sup>1</sup> i.e. eleven at night. All this part of Wright's evidence refers to Saturday, June 8. Information of the crime was not given at Bow Street until after Wright's meeting with Carrol about seven p.m.

<sup>2</sup> Friday, June 7, before the crime was committed.

<sup>3</sup> *Sessions Papers*, 1765, pp. 245-48.

difficulty ; a feeling which, indeed, is by no means dead. "So true it is," said the *Annual Register* of Wright's evidence, "that these wretches are known to, and in the power of those who live by hanging them."

To-day, thanks to the late and ever-to-be lamented Edgar Wallace, the public realises that the essence of the detective's job is knowing the thieves in his division, whereby he not only knows who is likely to have committed a particular crime, but also gains information of past or projected crimes. "The detective side of police-work, in an English force at all events, is, it must be admitted, a somewhat matter-of-fact occupation, in which hard work and a knowledge of the criminal classes are essential. Crime in real life is largely the work of professional criminals of poor intellectual capacity, no social accomplishments or charms, and little imagination, though they may have a great deal of low cunning. To cope with them successfully, powers of abstract reasoning and scientific knowledge or apparatus serve less than the more common-place resources which may be summed up in the word 'information,' including under that term not merely the assistance derived from informants but close and constant personal observation of criminals, their ways, haunts and associates, backed by an efficient system to ensure the identification of old offenders."<sup>1</sup>

Certainly the system of rewards in force in the eighteenth century made all thief-takers suspect, but in this case it will be seen that in stating that he knew all the men concerned in the outrage on Kirby, Wright merely showed he was a good detective. During the early part of the nineteenth century the Bow Street runners, as they came to be called, were indeed hardly better than the criminals they arrested, but so careful and penetrating was John Fielding in his examinations that his thief-takers had no chance to trump up charges, had they wished to do so. It must be remembered that at this time the magistrate had the duty, now per-

<sup>1</sup> Moylan, p. 178.



formed by the police, of deciding whether a charge was to be made, as well as of hearing cases.

While most of his examinations were made at Bow Street, John sometimes visited the scene of the crime. For instance, in December, 1763, when Lord Harrington was robbed of money and valuables to the tune of about £3,000, Walpole tells us that "Fielding is all day in the house, and a guard of his at night."<sup>1</sup> John and his detectives found and turned to good account footprints, chisel-marks on a bureau, a candle-stump, and other clues such as crimes are solved on. It was clear that it was an "inside job" faked to look like an outside one. At first there was not enough evidence to convict the man-servant suspected, but with the tracing of a banknote after it had passed through many hands, even as far afield as Newry, in Ireland, and the arrest of the man's accomplice by means of descriptive handbills circulated all over the country, the game was up. The servant, John Wesket, was executed on January 9, 1765, a year after committing the crime, and John Cooper, the receiver, was sentenced to fourteen years transportation; Bradley, Wesket's accomplice, escaped sentence by turning King's evidence. John never let a case drop, and he was not boasting when he told the Select Committee of the House of Commons in 1770, that by means of the records kept at Bow Street "offenders are detected several years after offences are committed."

There was no sycophancy in the trouble John took over this robbery. The affair greatly intrigued the gossips, for Lady Harrington, a great beauty, had a pet footman named Richard who was at once suspected, but unjustly as we have seen. Early in his career, in January, 1755, when Lord Harrington was still Viscount Petersham (nicknamed "Peter Shamble" because he walked so badly), John put both Lady Caroline Petersham and Richard in their places. Of course, our informant is Horace Walpole; "your friend Lady Caroline Petersham, not to let the town

<sup>1</sup> Horace Walpole to the Earl of Hertford, December 9, 1763.

quite lapse into politics, has entertained it with a new scene," he told Conway on January 24, 1756. "She was t'other night at the play with her court. . . . and her favourite footman Richard, who, under pretence of keeping places, she always keeps in her box the whole time to see the play at his ease. Mr. Stanley, Colonel Vernon, and Mr. Vaughan arrived at the very end of the farce, and could find no room, but a row and a half in Lady Caroline's box. Richard denied them entrance very impertinently. Mr. Stanley took him by the hair of his head, dragged him into the passage, and thrashed him. The heroine was outrageous—the heroes not at all so. She sent Richard to Fielding for a warrant. He would not grant it—and so it ended."

John Fielding was, in fact, completely free of the toadyism that was so rife at this period. "I am as yellow as an orange, feel very ill, am kept here by Sir John Fielding, who chooses to make my mother appear against some thieves (that stole a trunk of hers) on Friday. Hope to get away to Bath on Saturday." Thus Lady Cornwallis, wife of the second earl, writing from Mansfield Street on September 14, 1778, to her brother-in-law, Admiral Sir William Cornwallis.<sup>1</sup>

In June, 1771, John personally investigated a curious affair at Kew. Being informed that many of the orange trees and other exotic plants in the Dowager Princess of Wales's garden had been wantonly damaged, he took coach and arrived on the scene as early as six o'clock in the morning of June 25. Now John was a gardener, and was particularly fond of orange trees, as we know from the reference to them in Henry Fielding's letter from Lisbon, and he was therefore, despite his blindness, able to survey the damage as an expert. He found that each tree had been injured by the removal of the bark for about a foot near the middle of the stem, the easiest and quickest way of making sure that the trees would slowly die through lack of sap. This proved that the persons concerned were skilled in gardening.

<sup>1</sup> Historical MSS. Commission: *Report on Various Collections*, VI, 1909, p. 318.



At first suspicion fell only on a gardener who had recently been dismissed, but later it was also turned towards a lunatic, one Josias Cuninghame (or Conyng-ham), son of an Irish magistrate. He was arrested and lodged in Tothill-Fields Bridewell, while the Secretary of State and John tried to make sense from his ravings. Eventually he confessed to damaging the trees, but the Princess refused to prosecute, and he was released from the Bridewell and placed in a private asylum in Hoxton, where John was at pains to see that he was properly looked after. So wild was Cuninghame in his statements (he pretended, for instance, to know something about the firing of Portsmouth Dockyard, on July 27, 1770, a *cause célèbre* in which John was deeply concerned but is no longer of any great interest)<sup>1</sup> that several months elapsed between his arrest and release, or rather his admittance to an asylum.

Now among the papers concerning Cuninghame in the Public Record Office, is a letter dated June 18, 1772, from John to Sir Stanier Porten, Under-Secretary, in which John stated, amongst other things, that he "has not been able to find any person who has such a power and influence over Kelly as to get him confined, but has some reason to think he is not at large at present." Because there is no other mention of a "Kelly" in this correspondence the editor of the *Calendar of State Papers* suggests that somehow "Kelly" was a mistake for "Cuninghame." We have already come across a mysterious "Count Kelly" who frightened the Princess in July, 1759, and was found to be "raving mad," and it seems probable Kelly and Cuninghame were one and the same man.

Also in the summer of 1771, John had to begin to investigate a case of forgery so complicated that it was not until 1775 that the offenders were brought to trial. They were twin brothers, Daniel and Robert Perreau,

<sup>1</sup> There was another fire on December 7, 1776, which was brought home to James Hill, *alias* "John, the Painter." He was arrested by Bow Street men at Odiham, Hants, and hanged at Portsmouth on March 10, 1777. His fire-raising devices are now in the R.U.S.I. Museum, Whitehall.

the former a man of some means and position, and the latter well known as a doctor. The evidence against them need not concern us ; it is enough to say that they were executed on January 17, 1776, for forging certain bonds. What is particularly interesting about the affair is that the papers concerning it, now in the Public Record Office, enable us to see the kind of thing that the eighteenth-century policeman wrote down in his notebook. When the brothers were first suspected they were watched day and night by " Sir John Fielding's people," who rendered detailed reports of what they saw. These were duly sent from Bow Street to Whitehall, and filed for posterity. Here, for instance, are some of the notes made by Nathaniel Munns, who had been connected with Bow Street since Henry Fielding's day :

Wednesday August 7th. one O'clock.

I see a Boy in Black lean against the Iron rails of Pall Mall Court near half an Hour and then went up Pall Mall. I did not see aney thing more perticular This Day.

Thursday, August 8th.

Ten minutes before ten in the Morning I see a servant waite with a Horse near Ten minutes then Mr. Perreau came out Dressed in white Close and a black wig with several rows of Curls. N.B. he generally wears a Large white Bush wig. he mounted his Horse rode up Pall Mall and then to Piccadilly there I took a Coach and followd him to the King's private Road but I coud not follow him up that Road I was in a Hack.<sup>1</sup> I see walker one of the Messengers follow him all The way I drove round in order to overtake him If possible but when I got round I Lost sight of him and Walker to.

At four O'clock in the Afternoon Dr. Perreau went into his house dressed in white and a plain Hat. Came out again in the same Close and a Laced Hat.

<sup>1</sup> Hackney carriages were not allowed in the Royal parks.



I followed him into Jermin Street and there I Missed Him. . . .

Saturday August 10th.

Fourty minutes after Nine in the Morning I see the same Boy in Black as before he looked slyley at me then went up Pall Mall. . . . <sup>1</sup>

Nathaniel Munns did not say so, but I am pretty sure he caught that "Boy in Black" and gave him a good hiding for his slyness.

A letter dated December 16, 1771, also preserved in the Public Record Office, enables us to see a page of the missing Bow Street Register of Crime and Criminals, for its writer, one John Berens, of Edmonton, quoted the result of his inquiry at Bow Street about a criminal. The object of his letter, which was addressed to Lord Rochford, Secretary of State, was to point out that the criminal in question had been pardoned despite his obvious guilt, with the result that everyone who lived in his neighbourhood were terrified lest he should begin a fresh series of crimes:

I applied for information at Sir John Fielding's office, where I have learnt that:

Samuel Carter was tried and condemned in Somersetshire at Easter Assize, 1770, for stealing a horse, his sentence changed for transportation for life, returns from transportation and lives near Enfield in August last, steals Mr. Ayton's the banker's horse, commits two robberies on Finchley Common, rides down to Somersetshire and commits four robberies there, viz., on Mr. De La Touche, Dr. Ingenhausz, Mr. Allen and Mr. Pavier, returns to London, offers Dr. Ingenhausz's watch to pawn, which is stopped, he is taken, tried for stealing Mr. Ayton's horse and convicted, tried also for a highway robbery and convicted.<sup>2</sup>

Despite this calendar he was pardoned. It will be

<sup>1</sup> S.P. 37/8, f. 84/23B.

<sup>2</sup> S.P. 37/8, f. 83/33.

seen that once a criminal came under the notice of Bow Street he was unlikely to get away with very much.

Also in December, 1771, "Sir John Fielding produced, at the Rotation Office, a curious alarum, invented by Mr. Henry, which, upon being put up by an ingenious bell-hanger, with wires fastened to the windows and doors, upon the least attempt to break in, would go off very loudly, and alarm the family. This piece of mechanism deserves peculiar encouragement, as most burglaries are perpetrated while the families are asleep." Just before demonstrating this device he raised a small but not uninteresting point in connexion with the police; that Quakers should never be admitted as constables because their religion forbade them to take an oath. He "made a speech severely, but most justly, reprehending the vestry, parish, or Court Leet" which had appointed the constable in question, but emphasised that the man himself was in no way to blame.<sup>1</sup>

The value of John's close examination of criminals was well demonstrated in August, 1773, when a man named Isaac Voteer, taken on suspicion of having been concerned in a highway robbery, eventually confessed to having committed a burglary for which one William Duffield was then under sentence of death, and due to be hanged on September 1. John at once informed William Eden, who sent a reprieve to the prison on the night of August 29. Next day Eden had to complain to the Sheriff concerned that the Keeper of the prison had been too drunk to give the messenger a proper receipt for the reprieve.<sup>2</sup>

John was always ready to call in expert aid when necessary. For instance, in April, 1773, when a rising of the weavers seemed eminent, the Government wished to trace the printers of some inflammatory handbills which had been circulated among the men. John made the following suggestion to Lord Suffolk in a letter dated April 22: "Sir John Fielding presents his respects to the Earl of Suffolk and acquaints his lord-

<sup>1</sup> *Gentleman's Magazine*, December 18, 1771, p. 569, and daily papers.

<sup>2</sup> *Entry Book*, S.P. 44/147.



ship that he was once very successful in discovering the forgery of a bank-note by an application to the copper-plate engravers, who from knowing the style of engravers discovered it to be done by a gun-engraver. Might not the shewing these handbills to printers discover something from the type?"<sup>1</sup>

Under date July 24, 1775, the *Annual Register* reports a case which gives us a revealing insight into the Bow Street organization. Early on this summer morning Copped Hall, near Epping, a famous old house then belonging to John Conyers, member for Essex, was burgled :

A number of servants were instantly dispatched different roads in pursuit of the robbers, but in vain. It was luckily discovered that a four-wheeled carriage had stopped and turned round at the park gate, and from some hay and oats which remained on the ground it was evident that the horses had been fed while the carriage waited. Two messengers were therefore sent to the Public Office in Bow Street, and that in Curtain Road,<sup>2</sup> with all the particulars of the robbery ; the butler himself coming to the former, and giving a circumstantial information of the whole affair. Upon this the scouts of both offices were dispatched without delay to Houndsditch, Duke's Place, and every street, lane and corner where persons suspected as melters of plate were supposed to reside ; but though the search was diligent, it was without effect. About two in the afternoon, a letter was received by Sir John Fielding from a magistrate at Stratford informing him that a hackney coach, No. 44, was seen to pass that road in the way from the forest to London early in the morning ; that the blinds were drawn up, and that a second person sat on the box with the driver. Upon the receipt of this letter, Sir John Fielding sent to the Coach Office,<sup>3</sup>

<sup>1</sup> S.P. 37/10, f. 86/18s.

<sup>2</sup> Curtain Road, Shoreditch. The name commemorates one of the first London theatres, The Curtain, built about 1577.

<sup>3</sup> In Scotland Yard. Regulations for licensing hackney carriages were first made in 1637.

and learnt there, that the coach, No. 44, was one among others belonging to Mr. Mountaine, a man of property and reputation in Oxford Road. Mr. Bond applied to Mr. Mountaine, and was informed, that the number had been in his possession and his father's near fifty years ; that his driver had not brought the coach home on Sunday evening, which gave him great uneasiness, and that he could by no means account for his absence. A peace-officer was stationed at the yard, who waited till ten at night, when the fellow drove in, and was immediately apprehended and taken to Bow Street, where he gave a most incredible account of the manner in which he had spent his time for the two preceding days. He was properly advised of his danger by the bench, but continued obstinate for some hours ; at length he confessed the truth, acknowledging that he drove one Lambert Reading, and five others, to Copped Hall, in the night, between Sunday and Monday ; and that on his return he carried them to a house in Brick Lane, Old Street, where they deposited the plate. A proper force was instantly sent to Brick Lane, where they entered the house described by the witness, and found Lambert Reading in bed with his girl, ten loaded pistols lying by him, and the greatest part of Mr. Conyers's plate. Both persons and property were secured, and the former carried to Reading's old and familiar lodgings in New Prison, Clerkenwell, in which gaol, within the last two years, he had been frequently an inmate. It seems this daring invader of the laws had taken the house he was apprehended in but a few days before, and had moved into it only on Monday. He had a brother in Newgate at the time of his committing this robbery, and lost one lately by the gaol distemper.

The aforesaid Lambert Reading was apprehended on Tuesday morning early ; examined at Bow Street on Wednesday, and committed to New Prison, Clerkenwell, whence he was removed in a coach and four at five o'clock on Thursday morning to Chelmsford, where he took his trial and was convicted the same day. After the trial, the judge told him to prepare for his



approaching fate, for that he was to be taken back to prison, and executed on Saturday morning before two o'clock ; and he was executed accordingly.

This was remarkably quick work.

One more case illustrating the methods of the Bow Street C.I.D. may be quoted, also from the *Annual Register*. It occurred in the last week of August, 1778 :

One Watts, a clerk to Messrs. Bartlett and Co. at Edinburgh, having got £1,600 in his possession, the property of his master, £1,000 of which was a draft on Messrs. Hog and Co. of Foster Lane, Cheapside, London, payable on sight to a Mr. Montgomery, set off from Edinburgh on Wednesday last with the cash and draft, and arrived in town on Saturday morning. When he got to the corner of Foster Lane, he accosted a person with, "Sir, will you be so gude as to direct me the straight gait to Maister Hog's?" pulling a paper out of his pocket.

"I don't rightly understand you, Sir," said the person, "you seem to be a foreigner. Let me see the paper." On reading it, he said, "Oh, Sir, you want Mr. Hog's, in Foster Lane?"

"Yes, Sir," said Watts, "it is Maister Hog's ; do you ken the house?"

"I'll shew you, Sir," said the man, and directly took him to the house, while Watts presented the draft for £1,000 and said his name was Montgomery. His kind conductor, however, happened to be Charles Jealous, one of Sir John Fielding's men, who was waiting in the street with others, in hopes of meeting with the raw Scotchman.

It will be realised that the owner of the money had been able to warn Bow Street of Watts's impending visit to London. Charles Jealous was a good detective, as the *Sessions Papers* testify.

At this point the state of crime and police in London in 1770 may be summarised by giving John's evidence

before the House of Commons committee appointed “to enquire into the several burglaries and robberies that of late have been committed in and about the Cities of London and Westminster.” He was the principal witness. The report, delivered on April 10, 1770, is a long one, and I do not propose to give it exactly as printed in the *Journals of the House of Commons*; it is more readable, as well as shorter, when turned into direct speech, while certain comparatively unimportant passages may as well be curtailed or left out. The committee began by asking John the following questions :

*Q.* What number of houses have been broke open in London and Westminster, and is house-breaking a growing evil?

*A.* All robberies, with the circumstances attending them, and particulars of goods stolen, are registered at my office, and from that register informations are grounded, and offenders are detected several years after the offences are committed. (Sir John then put in the following return of houses broken into between 1766 and 1770):

<i>Year</i>	<i>No. of Houses Entered</i>	<i>Value of Goods Stolen</i>
1766-67 . . .	49	£916
1767-68 . . .	100	£1,901
1768-69 . . .	98	£3,064 15 6½
1769-70 (March 14) .	104	£4,241

It is supposed (Sir John continued) that the last 104 houses were broke open by a number of house-breakers, not exceeding twenty, and few of them more than twenty years of age, sixteen or seventeen of whom are in custody, with little probability of their being convicted. The evil increases amazingly, and was never at so great a height as since last Michaelmas.

*Q.* What is the cause of this increase of house-breaking?

*A.* Felons formerly carried their goods to pawnbrokers, but by the present method of quick notice to pawn-



brokers, silversmiths and others, that plan is defeated, and the house-breakers now go to Jews, who melt the plate immediately, and destroy other things that might be evidence, which in burglary can be nothing but the goods, though in other cases the person may be sworn to.<sup>1</sup> The present gang of housebreakers are sons of unfortunate people, and of no trade. They begin when boys as pickpockets, but turn housebreakers when they grow up, in order to procure a greater income to supply their increased expenses. For twenty years a footpad has not escaped. Highwaymen cannot escape, upon account of the early information given to the Office, and the great number of prosecutors who always appear against them, which I think must in time put an end to this evil. I have detected several persons in Duke's Place with plate, and have offered a reward of five guineas for apprehending one person there.

*Q.* What do you think of the present method of watching the town?

*A.* The watch is insufficient; their duty too hard, and pay too small. I have known Serjeants in the Guards employed as watchmen. The watchmen are paid  $8\frac{1}{2}$ d. a night in St. Margaret's parish, and a gratuity of two guineas a year, out of which they find their own candle. As they are paid monthly they borrow their money of an usurer once a week. In other parishes the watch are paid from 10d. to 1s. per night. The watch in Westminster is in every parish under the direction of a separate Commission, composed of persons who have served the offices of Churchwarden and Overseer. The Commissioners of the respective parishes appoint the beats of their watchmen without conferring together, which leaves the frontiers of each parish

<sup>1</sup> As the word "burglar" is so often misused I may be forgiven for noting that burglary is the crime of breaking into a dwelling-house at night (i.e. between 9 p.m. and 6 a.m.). Hence John's point that there was practically no chance of a burglar being identified, whereas a house-breaker, working in daylight, might be.

in a confused state, for that where one side of a street lies in one parish, and the other side in another parish, the watchmen of one side cannot lend any assistance to persons on the other side, other than as a private person, except in cases of felony.

At this point James Sayer, Deputy High Steward of Westminster, was questioned, and confirmed the foregoing evidence. When he had finished, Sir John Fielding put in two papers outlining certain remedies, which may be summarised as follows : Watchmen not to be older than fifty, and to be better paid ; their number to be increased, partly so that each man could be relieved at night, and their beats shortened. Ward Officers (*i.e.* those in charge of the watchmen) to be chosen from inhabitants who had served as constables ; to have a good salary ; and to be considered as replacing the Beadles, whose office was redundant. Payment of the watch to be undertaken by the parish authorities, as hitherto, but their direction to be in the hands of the magistrates. Half the constables of each entry to serve for two years, instead of one, to instruct the new men ; every constable to have a sign over the door of his house ; and High Constables not to be forced to relinquish their office at the end of three years. Round-houses to be more capacious ; liquor not to be sold in them ; and publicans to be punished for allowing constables and watchmen to tipple when on duty. Receivers of stolen goods to be made principals in crime, with a power of mitigation in the judge.

James Sayer agreed with these proposals, and gave further details of the uselessness of Beadles. He said there should be 120 constables in Westminster, and it should be made more difficult for those elected to appoint deputies. Samson Rainsforth, High Constable of Westminster, confirmed these points, and gave many instances of the negligence of constables and watchmen, which was a matter of general complaint. Sir John Fielding continued his evidence :



Ballad-singers are a greater nuisance than beggars, because they give opportunity to pickpockets, by collecting people together.<sup>1</sup> The songs they sing are generally immoral and obscene, the people themselves capable of work, and of the lowest and most abandoned order of people. They should be considered as vagrants.

Rainsforth agreed that they were a very great nuisance.

Sir John continued :

The City of Westminster is a franchise under the Dean and Chapter of Westminster. The Common Gaol thereof is called the Gatehouse, to which offenders of every kind apprehended within the liberty of Westminster have been usually committed for some years back, to the number of 600 or 700 annually. In this gaol there is little or no allowance or provision for the prisoners, but what arises from the charity of the passengers, seldom amounting to more than five or six shillings a week, the greatest part of which is given to the beggar at the window for the day. I believe this is the only gaol in England where there is not some provision for poor and distressed prisoners. When a magistrate commits a man to that gaol for an assault, he does not know but he commits him there to starve. This ought to be remedied, and on account of the vast increase of inhabitants, property and number of offenders, there ought to be in Westminster a strong, capacious, and useful gaol. The Gatehouse is a very old building. The magistrates of Westminster have represented this mischief to the Dean and Chapter, who acknowledge it, are willing to pull it down, and to give a new piece of ground in their royalty, in Tothill Fields, to build a new gaol upon, and to subject the same to the magistrates of Westminster. Estimates have been made, by which it appears that a very effectual gaol may be built for the sum of £2,500. I propose that such a gaol be built and kept in repair out of the county rate. There is but one rate at present for Middlesex and Westminster,

<sup>1</sup> Gay mentioned this in *Trivia*, 1716.

near one-third of which is paid by the latter since the increase of buildings there; this proportion is much greater than the expenses required by the Act for county rates would subject Westminster to.

James Sayer concurred. Sir John Fielding continued :

About six or seven years ago the magistrates of Westminster had no other Court House but a place at the bottom of the stairs, leading to the House of Commons, called "Hell," to keep their Sessions in. The increase of business and of offences in Westminster made it impracticable to carry on the business there. This nuisance was represented by the magistrates to the Lord Lieutenant, Lord Northumberland, who told the Chairman that it could not be taken up by the Government then, but would be in future considered. In the meantime, at his own expense amounting to £800, he directed the Chairman to prepare a large house in King Street, Westminster, which was formerly a tavern, to be made proper for a Court House. The establishment is as essential to the civil power as anything that has been mentioned. The purchase of the said building, and fitting it up, cost the Duke of Northumberland near £4,000. I think the acting part of the magistrates in Westminster is in as good a state as it ever was, and more free from imputations or neglect of duty. It would be useful to have some persons of rank and condition in the Commission of the Peace for Westminster, who would give a dignity to the Commission. For the last two or three years the magistrates of Westminster have gone through very painful duty, and have been very diligent in it, and having been sensible of the necessity of their attendance, have mutually agreed to attend at any time or place, upon the least notice from their Chairman.

James Sayer confirmed this, and said that the justices should have a reward for acting. The private offices of justices should be abolished. Sir John Fielding went on :



The great number of brothels and irregular taverns carried on without licence from the magistrates are another great cause of robberies, burglaries and other disorders, and also of neglect of watchmen and constables of the night in their respective duties. These taverns are kept by persons of the most abandoned characters, such as bawds, thieves, receivers of stolen goods, and Marshalsea Court and Sheriff's Officers, who keep lock-up houses.<sup>1</sup> The principal of these houses are situate in Covent Garden, about 30 in St. Mary-le-Strand; about 12 in St. Martin's, in the vicinity of Covent Garden; about 12 in St. Clement's; 5 or 6 at Charing Cross; and in Hedge Lane about 20.<sup>2</sup> There are many more dispersed in different parts of Westminster, in Goodman's Fields and Whitechapel, many of which are remarkably infamous, and are the causes of disorders of every kind, shelters for bullies to protect prostitutes, and for thieves; are a terror to the watchmen and peace officers of the night, a nuisance to the inhabitants in the neighbourhood, and difficult to be suppressed by prosecution, for want of evidence; and in short, pregnant with every other mischief to society. Any person desirous of keeping a place of public entertainment who is of good reputation can obtain a license with ease from the magistrates when a public house happens to be vacant that has been licensed before; the magistrates of Middlesex and Westminster having long held it to be a rule essential to the public good rather to diminish, than increase the number of public houses. Persons of abandoned characters, by applying to the Commissioners of the Stamp Office, may obtain a license for selling wine. Wine licenses should be placed by law under the same restraints as the licenses for selling spirituous liquors now are. I think it more necessary to correct the evil in Portsmouth, Plymouth, Chatham, and other dockyards than in Westminster, as it has a direct tendency to corrupt and destroy the

<sup>1</sup> Or sponging-houses, where debtors were confined until they paid their debts or were sent to prison.

<sup>2</sup> Hedge Lane, now Whitcomb Street.

very vitals of the constitution, the lives of the useful seamen, who by means of these houses, become the objects of plunder as long as they have any money, and are induced to become robbers when they have none. There is another great evil which is the cause of these disorders, namely, the immense number of common prostitutes, attended by common soldiers and other bullies to protect them from the civil power. These prostitutes, when they have secured the unwary customers, lead them to some of the aforesaid taverns, from whence they seldom escape without being robbed. The cause of this evil, as I apprehend, is the great difficulty, as the law now stands, to punish those offenders. Persons walking or plying in the streets for lewd purposes after the watch is set should be considered as vagrants and punished as such.

This concluded Sir John Fielding's evidence. Rainsforth put in a paper which showed the strength of the Watch to be 267, and gave the results of a tour of inspection made by him on the night of March 23, 1770. A typical note read as follows :

St. Clement Danes—Past 3 : no constable on duty : found a watchman there at a great distance from his beat : from thence went to the night-cellar facing Arundel Street in the strand, which is in the Duchy, and there found 4 of St. Clement's watchmen drinking. St. Mary-le-Strand no attendance, having only two constables, which only attend every other night, 3 watchmen, Duchy included, at one shilling each. A very disorderly cellar near the new church for selling saloop, etc.<sup>1</sup> to very loose and suspected persons : St. Clements' watchmen 32 at one shilling.

On this evidence the Committee made thirteen resolutions, which need not be detailed here ; it is

<sup>1</sup> Saloop : a hot drink consisting of an infusion of powdered salep, or sassafras, with milk and sugar, formerly sold in the streets of London.—*Oxford Dictionary*.



enough to say that action was recommended on all the points raised, and Mr. Fuller, Sir John Turner and Sir Charles Whitworth were ordered to prepare any necessary Bills.

The first-fruit of John's evidence was an Act to make receiving stolen goods a more serious offence (10 Geo. III, c.48). So quickly did the members concerned get to work, that the new measure, which made possible the trial of a receiver even if the thief concerned had not been brought to justice, and rendered him liable on conviction to fourteen years' transportation, came into force on the following June 1. However, this unwonted energy apparently proved too much for them, for they achieved nothing else of lasting importance, and another Committee on the Nightly Watch, before which, however, John did not have to give evidence, sat before any further legislative action was taken. When it did come, in 1773 (14 Geo. III, c.90), it proved so ineffectual that in 1812, when yet another Committee was at work, the evidence given before the original Committee of 1770 was reprinted as an Appendix to the report. In short, in forty-two years practically nothing was done to improve the policing of Westminster, even after the awful example of the Gordon Riots, and another seventeen years elapsed before permanent good came in the shape of the Metropolitan Police Act.

John's proposal that the Westminster Gatehouse should be pulled down was given effect by the Dean and Chapter in July, 1776. It is noteworthy that on February 22, 1772, a "Society for the Discharge and Relief of Persons imprisoned for Small Debts" was instituted, with Lord Romney as president and Lord Chief Baron Sir Sidney Smythe, Lord Beauchamp, Sir George Nares, the judge, and John Thornton as vice-presidents. This movement certainly had John's sympathy, for early in his career he had made a practise of devoting fines for petty offences to the relief of poor prisoners, although in such cases as selling bread at too high a price, half the penalty belonged to the informer

and half to the magistrate for executing the law. John's share was always devoted to charity.<sup>1</sup>

As it was at this period that John fell foul of Sir John Hawkins over the Middlesex prisons I may as well go into that matter here. Sir John Hawkins (1719-89) is now remembered as the author of the first and worst *Life of Johnson* (1787), and of a much more creditable *History of Music* (1776), but to John Fielding he was Chairman of the Middlesex bench, sitting at Hicks's Hall, Clerkenwell, a post to which he was elected in 1765, after serving for four years as a magistrate. The youngest son of a carpenter who claimed descent from the great Elizabethan mariner, John Hawkins made a position for himself by marrying an heiress. It would be difficult to find a man more extensively disliked by his contemporaries. "I believe him to be an honest man at the bottom," Johnson told Fanny Burney, "but to be sure he is penurious, and he is mean, and it must be owned he has a degree of brutality, and a tendency to savageness, that cannot easily be defended." The doctor rounded off his character of Hawkins with an expressive piece of slang; Hawkins was "a most unclubable man," he said, and Fanny was thrilled to hear the great savant thus take liberties with the language.<sup>2</sup>

Edmund Malone, the Shakespearian scholar, found that Bishop Percy "concurred with every other person I have heard speak of Hawkins, in saying that he was a most detestable fellow," and was told by Samuel Dyer, a worthy member of the Johnson circle, that Hawkins "was a man of the most mischievous, uncharitable, and malignant disposition, and that he (Dyer) knew instances of his setting a husband against a wife, and a brother against a brother; fomenting their animosity by anonymous letters." Hawkins persuaded Johnson to draw up a will naming him as executor, and on the

<sup>1</sup> e.g. notices in the *Public Advertiser*, August 2, 1756, and January 7, 1765. The institution of a weekly inspection of bakers' shops by the magistrates was announced in the *Gazetteer*, May 14, 1772.

<sup>2</sup> *Diary of Madame D'Arblay* (Frances Burney), edited by Austin Dobson, 1904, i, pp. 58-59.



doctor's death charged coach-hire for attending the executors' meetings, as well as taking several of Johnson's valuables as a fee for his trouble. These, however, he was made to disgorge by Sir Joshua Reynolds, another executor. "With all this meanness, if not dishonesty," said the latter, "Hawkins was a regular churchman, assuming the character of a most rigid and sanctimonious censorer of the lightest foibles of others."<sup>1</sup> To Hawkins's credit one great thing can be said: he was an honest magistrate, too strict, in fact, for his fellow-justices, for they got rid of him as Chairman in 1781. This was virtually the collapse of the Middlesex bench, for the two following Chairmen, William Mainwaring, a banker, and his son G. B. Mainwaring, were thoroughly corrupt, as was apparent while they held office and was proved in 1822, when the latter was compelled to resign.<sup>2</sup>

On October 13, 1772, Hawkins wrote a curious letter to someone in Whitehall, probably Lord Rochford, Secretary of State; the person addressed is not actually named. He said the Middlesex justices had decided to rebuild their prisons, but a minority favoured the erection of a totally new building which would add at least £2,000 a year to the rates. He "imagined" Sir John Fielding had been told that if he supported this scheme he would be made Chairman of the Middlesex bench in his (Hawkins's) place. "Mr. Hawkins interferes not with Sir John Fielding, who is in possession of great emoluments, which he, Hawkins, desires not to intercept," and therefore Sir John should be told in unmistakeable terms that he must not attempt to make "Mr. Hawkins's seat uneasy or precarious." As proof of this assertion Hawkins said Justice Sherwood had heard the new prison scheme canvassed at Bow Street.<sup>3</sup>

It is most unlikely that there was a word of truth in these allegations. John never showed the slightest

<sup>1</sup> *Life of Edmund Malone*, by Sir James Prior, 1860, pp. 425-27.

<sup>2</sup> *English Local Government*, by Sidney and Beatrice Webb, 1906, i, pp. 562-66.

<sup>3</sup> S.P. 39/9, f.85/78.

desire to take part in the affairs of Middlesex ; for one reason, his position as principal magistrate in Westminster was in reality far more important than that of Chairman of the Middlesex bench, though, because of the much larger area covered by the latter, it was the senior jurisdiction. Probably Hawkins twisted John's plan for rebuilding the Gatehouse, which was entirely a Westminster affair, into the grandiose scheme outlined in his letter. At any rate these complaints were useful in paving the way for Hawkins's next letter to Whitehall, dated October 19, and addressed to Lord Rochford by name. In this he stated that he had been chosen Chairman of the Middlesex bench since 1765, and was a descendant of the great Sir John Hawkins. "Sir John Fielding, who is Chairman of a jurisdiction subordinate to that of the county of Middlesex . . . has received the honour of knighthood, and the justices of the county would look on it as a sanction to their choice, if I, their chairman, might receive at his Majesty's hands the same mark of his royal favour."<sup>1</sup> When John asked for knighthood he wrote a much better letter, but Hawkins cannot fairly be criticised on this point. Lord Rochford saw that the request was granted before the year was out.

John did not get wind of Hawkins's complaints until the next year. He always dealt tactfully with Middlesex, knowing that the county was jealous of Westminster ; it will be remembered, for instance, that in July, 1764, he told Jenkinson that the county would never hear of paying for the Horse Patrole. Again, on April 22, 1773, when the weavers were troublesome, John suggested to Lord Suffolk that an advertisement should be published offering a reward for information concerning the seditious handbills that had been distributed by the weavers. Lord Suffolk returned the draft of the advertisement and told him to proceed with it, but John sent it back, saying Lord Suffolk had evidently mistaken his meaning, "as the enclosed should have been sent to Sir John Hawkins, Chairman

<sup>1</sup> S.P. 37/9, f. 85/81.



of Hicks's Hall, for if it were to go from Sir John Fielding it would not be taken up perhaps with the spirit it ought to be."<sup>1</sup> This is a clear indication that he had no wish to interfere with Middlesex.

Naturally, when John heard that Hawkins had been maligning him he was greatly upset, for he took such things very seriously, as we know. The affair did not come to a head until July 9, 1773, after he had written to Lord Suffolk concerning the fixing of the weavers' wages.<sup>2</sup> He apologised to Lord Suffolk, through William Eden, for writing twice in the same day :

But has this moment been informed by a friendly brother magistrate that some complaint has been made by the magistrates at Hicks's Hall against him, and acquaints him (Lord Suffolk) that neither the justices in their collective capacity nor any individual of them has ever given him notice of any such intention, so that it was impossible for him to give any answer to such charge, but being informed some time ago that there was such a thing in agitation he wrote immediately to Sir John Hawkins, the Chairman, to know if it was true ; have sent you enclosed the copy of my letter to Sir John Hawkins and Sir John Hawkins's original letter in answer, which when I consider I must remain in a state of astonishment. Be the nature of the charge what it may I am confident it is as groundless as anything can be, but as I should wish to prove it so I hope I shall be indulged by you with the nature of the complaint. One may guard in some degree against the malice of common enemies, but poisoned arrows like these thrown in the dark are dreadful, but I shall spare no pains to get at the bottom of this iniquitous design. I was yesterday at Hicks's Hall and stayed the whole time the Court sat, but did not hear a syllable of this matter, so that whatever the transaction is it was done above stairs. I am sure I need not apologise to a gentleman of your good sense and good heart for troub-

<sup>1</sup> S.P. 37/10, f. 86/18N.

<sup>2</sup> p. 183 above.

ling you with this letter, nor use any solicitations to obtain your friendship on so delicate an occasion, for my station will soon become insupportable if, without the least notice or the least opportunity of undeceiving those who labour under prejudices so unfairly impressed, I am to be thus attacked in the dark. Indeed it is a melancholy proof that the magistrates use one another worse than they dare to the most common criminal.<sup>1</sup>

William Fraser, Under Secretary for the Northern Department, answered this letter the same day, as both Eden and Lord Suffolk were away : “ Mr. Fraser would not defer acquainting Sir John, that he has never heard a syllable of the complaint alluded to in Sir John’s letter,” and would not fail to communicate the matter to Lord Suffolk on his return, on which the correspondence would be returned to Sir John Fielding.

There the matter ended, so far as we are concerned. No doubt Sir John Hawkins was told not to be a fool. Perhaps it was his unnecessary jealousy of John Fielding that made him abuse Henry Fielding in his *Life of Johnson*, where he achieved not merely “ the *ne plus ultra* of malicious criticism,” as Professor Cross has said, but also the height of stupidity. Writing of literature in his time, he said : “ There was another class of authors who lived by writing. . . . At the head of these we must, for many reasons, place Henry Fielding, one of the most motley of literary characters. This man was, in his early life, a writer of comedies and farces, very few of which are now remembered ; after that, a practising barrister with scarce any business ; then an anti-ministerial writer, and quickly after, a creature of the Duke of Newcastle, who gave him a nominal qualification of £100 a year, and set him up as a trading-justice, in which disreputable station he died. He was the author of a romance entitled ‘ The History of Joseph Andrews,’ and of another, ‘ The Foundling, or the History of Tom Jones,’ a book seemingly intended to

<sup>1</sup> S.P. 37/10, f. 86/27.



sap the foundations of that morality which it is the duty of parents and all public instructors to inculcate in the minds of young people. . . . He has done more towards corrupting the rising generation than any writer we know of.”<sup>1</sup> One slang word leads to another, and I may say when Johnson called Hawkins “a most unclubable man” he said a “mouthful.”

<sup>1</sup> *Life of Samuel Johnson*, by Sir John Hawkins, 1887, pp. 21-215: Cross, iii, pp. 162-63.

## CHAPTER XV

### “ THE WEEKLY HUE AND CRY ”

IN 1771, a peculiarly outrageous murder by a gang of Jews enabled John to found the official police newspaper which he had said was necessary ten years earlier. Brief mention has already been made of the activities of Jews in London as receivers of stolen goods, a parasitic occupation which is probably the safest and most profitable form of crime, and certainly one of the worst from the point of view of the public, for it is the receiver who makes robbery worth while.

The English have never taken much trouble to distinguish between the Sephardim, Jews of Spanish and Portuguese descent who are for the most part rich, clever and respected citizens of the countries in which they have settled, and the Ashkenazim, Jews of German and Polish descent, whose characteristics are entirely different. When Cromwell lifted the ban on the immigration of Jews into England, which had been in force since the reign of Edward I, it was the Sephardim who entered first, and who were meant to come in, because it was recognised that they had much to offer us. Inevitably, however, it was not long before increasingly large numbers of the Ashkenazim came to England to live on the charity of their wealthy brethren, and they were not welcome. The first Synagogue of the Ashkenazim was opened in Duke's Place, Aldgate (now Duke Street), in 1692, and the neighbourhood rapidly became notorious as a centre for the disposal of stolen goods.

The state of affairs was thus summed up by a German visitor in 1791: “ The praise which is due to the generality of the Portuguese, relative to their manners



and morals, cannot be bestowed upon the majority of the German Jews. They are great sticklers for their old tenets and usages; but they allow themselves great liberties in regard to their morals. I believe few burglaries, robberies, and false coinages are committed, in which some of them are not, in one shape or other, concerned. They steal not only themselves, but assist Christian thieves by receiving their stolen goods, and buying them at a very reasonable price. In Duke's Place, where hardly any but Jews live, during the whole night furnaces are ready to melt the stolen silver and gold as soon as the thieves bring it, that it may be rendered indistinguishable before day-light."<sup>1</sup> Except in so far as locality is concerned, these words are as true of London to-day as when they were written, and to the crimes mentioned might be added frauds of every kind.

John Fielding was therefore brought into close contact with the problem of the Jews, as every police official has since been. Always a wise administrator, he co-operated with the better-class Jews in attempting to check the depredations of their dishonest brethren. His first essay in this direction may be described in the words of the Reverend William Cole (1714-82), the antiquary. It will be seen from the following extract from one of Cole's commonplace-books that he subscribed to the popular view of the Fieldings, which we now know to have been utterly false. It was a great pity that the late Sir Leslie Stephen in his account of John's life in the *Dictionary of National Biography* gave such prominence to Cole's defamatory remarks without indicating the abundant evidence on the other side. Cole wrote as follows of events in 1766:

The poor, vagabond Jews in and about London, were come to such a pitch in thieving, cheating, robbing

<sup>1</sup> *A View of England*, by G. F. A. Wendeborn, 1791, ii, p. 471. For further details of the Jews in England during the eighteenth century see e.g. Colquhoun, pp. 40, 51-52, 113-20, 159-60, 176, and Mrs. George, pp. 125-32.

and pilfering, that the Government began to take notice of it; insomuch that the greater Jews thought proper to give a check to such a scandal, which ultimately rebounded upon themselves, and might, if suffered to go on to greater lengths, be of consequence to their own peaceful settlement in this land of plenty and licentiousness, where, so that a man complies with the civil policy thereof, he may find protection, if not encouragement, be he Jew, Turk, Infidel, or Heretic. Sir John Fielding's character is a very extraordinary one; he is brother to the late ingenious author of many witty performances both in prose and verse, and is, like him, a trading justice of the peace for Middlesex or Westminster: a place of no small profit and advantage; tho' of no great reputation, yet absolutely necessary in such a metropolis, abounding with Jews, Christian rogues and scoundrels of every country and denomination, and where it is necessary that a magistrate, who would do his duty as he ought, should be well acquainted, not only with some of the profession themselves, but also with all their contrivances, secret haunts and private cabals. So qualified were both the brothers; and this Sir John in particular, tho' stark blind, and of no great reputation as to strict integrity, was generally esteemed a very useful member of society, by ferreting out the haunts and dispersing the cabals of the most notorious thieves and pickpockets that infested the streets in and about the neighbourhood of London.

Cole then quoted from the *Cambridge Chronicle*, his local paper, the following two letters, which first appeared in the *Public Advertiser* of May 31, 1766. They had passed between John Fielding and the Presidents of the Great Synagogue in Duke's Place:

BOW STREET, May 25, 1766.

Sir John Fielding presents his respectful compliments to Mr. Napthaly Franks and Mr. Napthaly Myers; thinks himself much obliged to them, as is

SEICHAM LIBRARY  
JAMES HARRIS BATH  
COLLEGE AND SEMINARY



the public, for the assistance they have already given to the Civil power, to detect the receivers of stolen goods in Duke's Place and Houndsditch: and also for their laudable declarations to continue their assistance, till the evil itself is suppressed: And Sir John Fielding is persuaded, that as this practice has been carried on by a few persons only, that the countenance and protection of the respectable part of their body to the magistrates, in their endeavours to cause such offenders to be apprehended, will discourage this atrocious practice, benefit the public, and reflect honour on themselves.

I am, with all due respect, gentlemen, Your most  
obedient and the public's faithful servant,

J. FIELDING.

*Answer.*

SIR,

We are honoured with your letter of yesterday, and are very happy in receiving your approbation of our endeavours to detect those Jew infamous receivers of stolen goods about Duke's Place and Houndsditch: wretches, who are a pest to every community.

We return you our sincere thanks for your laudable and spirited assistance on this occasion of doing public justice, and flatter ourselves, that with the assistance of the Civil power, our perseverance on the like occasion will be attended with the same desirable success.

We are firmly convinced, that in pursuance of this our fixed resolution, we shall receive the applause of every Jew, who is not totally ignorant of the laws of God, the duty of his own religion, the true regard for public justice, and the obedience due to the laws of this kingdom.

We are, with the highest respect, Sir,

Your most obedient humble servants,

From the Vestry Chamber  
of the Great Synagogue,  
May 26, 1766.

N. FRANKS,  
N. H. MYERS,  
*Presidents of the  
Great Synagogue.*

Commenting on these letters, Cole came to the conclusion that despite the efforts of the magistrates and of their own leaders, the Jews “ would always continue to be the pawnbrokers ; that is, the receivers of stolen goods, or extortioners and usurers, wherever they happen to be settled.”<sup>1</sup>

To enlist the heads of the race against Jewish criminals was a wise move on John’s part. In 1771 he was able to turn this liaison to good advantage. On June 11 of that year, a gang of at least nine men, all Jews, of whom one was afterwards discovered to be a doctor, broke into the house of a Mrs. Hutchins, who kept a farm in the King’s Road, Chelsea, robbed her and murdered a servant who tried to resist them.

Information of this desperate affair was laid at Bow Street in the early hours of June 12, and two days later the *Public Advertiser* was able to announce that three men had been detained on suspicion. They were, however, able to satisfy John that they were not concerned in the murder, and it became clear that the gang had fled to the country. At John’s request the Government offered a reward of £50 for information, details of which were published in the *London Gazette* of June 11-15, and elsewhere. Eventually one of the gang, a German Jew named Isaacs, who had not taken a leading part in the affair, turned King’s evidence and gave John descriptions of the men concerned. As a result, on November 7, the unprecedented step was taken of sending printed descriptions of the offenders to every postmaster in England, and also to Edinburgh and Dublin.

Never had there been such a hue and cry. Suspicious-looking Jews were arrested at Truro, Falmouth, and Oxford amongst other places. In consequence of information received at Bow Street, John sent men to Dover, Harwich and Birmingham, and on November 8, he was able to tell Lord Suffolk that “ Mr. Bond, one of his clerks, is this minute returned from a pursuit to Birmingham and has brought up with him three of

<sup>1</sup> British Museum : *Additional MSS.*, 5,832-f.226B.



the offenders. . . . P.S. They have brought a fourth who is certainly one of the gang, as he was apprehended going post to give notice to those at Birmingham to escape." Next day, having examined his prisoners, he confirmed his earlier report, informing Lord Suffolk that "all the principal offenders, except one. . . . are apprehended, against whom there is any charge, and of whom we have any description."

Six of the gang were duly tried at the Old Bailey on December 6. Four were condemned to death, the other two being discharged for lack of evidence; later, however, they were tried for committing another robbery. "The Recorder prefaced the sentence with a judicious and just compliment to the principal Jews, for their very laudable conduct in the course of this prosecution, and hoped no person would ignorantly stigmatize a whole nation for the villanies of a few, whom they had done everything they consistently could to bring to punishment," observed the *Gentleman's Magazine*. On December 10, the four desperadoes were hanged at Tyburn in front of a crowd "greater than at any execution within the memory of man." When the usual interval had elapsed their bodies were taken for dissection to the Surgeons' Hall in Old Bailey. "The curiosity and impatience of the people to see the dead bodies of the Jews exposed at Surgeons' Hall. . . . was so great, that it was with the utmost difficulty that any gentlemen of the faculty could gain admittance; the mob was never so numerous and unruly upon a like occasion since the execution of Lord Ferrers. The Professor of Anatomy and Mr. Bromfeild were obliged to climb in at a window, to the no small diversion of the crowd, which at last became so great, that it was impossible to open the gates to anyone; the Sheriffs, however, . . . . came and kindly interposed, which in all probability prevented much mischief."<sup>1</sup>

Meanwhile John had been working out a scheme, which he put up to Lord Suffolk on November 16, in the following terms:

<sup>1</sup> *Public Advertiser*, December 11 and 14, 1771.

Recollecting what your Lordship said relative to the Packets being lately full of Jews I took an opportunity to enquire of the Elders of the Synagogue into the cause of it, and am informed that partly on account of the late disturbances in Poland and partly to share charities distributed by Jews in this kingdom from their chest at the Synagogue a great number of poor Jews, amongst which are doubtless many rogues who either have been punished or escaped justice on the other side the water, come to England. They travel to Helvoetsluys, there plead poverty and get passes from our agent there by which means they get their passage free. The Elders of the Synagogue very much wish that a restraint could be laid upon this importation by obliging them to produce some certificate from England which had passed through your Lordship's office setting forth that their presence is required in England on some business, or that they are likely to be employed here ; or that any other restraint could be laid upon this importation consistent with the wisdom and policy of good government ; and if some restraint could be laid on the importation of the abandoned Irish <sup>1</sup> it would be another means of preventing many robberies in this country. There are certainly a much greater number both of Jews and Irish at present in England than can possibly gain a livelihood by honest means. The Elders of the Synagogue being, as they say, almost bankrupt in their charity chest from the above cause, expressed great hopes to me yesterday that your Lordship would be able to do something in this matter.

To this Lord Suffolk replied on December 14, asking John to inform the Elders that in future no Jews were to be allowed in his Majesty's Packets unless they could pay their freight, which, from Helvoetsluys to Harwich, amounted to thirteen shillings and fourpence. On December 16, John forwarded to Lord Suffolk a letter of thanks from Naphaly Franks and Hart Myers on

<sup>1</sup> “ The Irish in London were a police problem, a sanitary problem, a poor-law problem and an industrial problem ; ” see Mrs. George, pp. 111-25 and Prof. Trevelyan's *History of England*, pp. 607-8.



behalf of the General Vestry of the Great Synagogue. The end of the year saw the rounding off of the Chelsea affair by the deportation of three Jews who had been arrested through the hue and cry, but against whom there was not enough evidence to secure convictions. John promised Lord Suffolk that he would make sure they really left the country.<sup>1</sup>

Many years passed before the crime was forgotten, however. Francis Place, the tailor who turned radical reformer, who was born in 1771, the year of the murder, wrote of it in the next century :

Every Jew was in public opinion implicated, and the prejudice, ill-will and brutal conduct this brought upon the Jews, even after they had been detected and punished for it, did not cease for many years. "Go to Chelsea" was a common exclamation when a Jew was seen in the streets and was often the signal of assault. I have seen many Jews hooted, hunted, cuffed, pulled by the beard, spat upon, and so barbarously assaulted in the streets, without any protection from the passers-by or the police, as seems when compared with present times, almost impossible, to have existed at any time. Dogs could not be used in the streets in the manner many Jews were treated. . .<sup>2</sup>

Horrible though this manifestation of hatred was, it had its humorous side, for on December 18, 1771, the *Public Advertiser* noted : "a correspondent informs us, that as the lawyers have forbid the Jews from entering the Temple, the Jews are determined to post up bills in Duke's Place, forbidding all lawyers from entering into their districts."

Place asserted that Daniel Mendoza, the great Jewish boxer, who rose to fame in 1787, was largely responsible for the discontinuance of Jew-baiting, for he taught his fellows to use their fists. Mendoza, in fact, did

<sup>1</sup> S.P. 37/8, f. 84/32, etc. (September 20 to December 30, 1771).

<sup>2</sup> British Museum : *Additional MSS.*, 27,287, f. 145-6. Thomas Faulkner made similar comment in his *History of Chelsea*, 1810, ii, p. 23.

much more, for the adulation he received as champion, ever a *persona sancta* to the Englishman, inspired sympathy, or at least tolerance, for the rest of his race.

To return to John Fielding. A month before the Chelsea outrage, on May 9, 1771, he ended a letter to Lord Rochford by saying that he hoped “that your Lordship will indulge me with a conference relative to the copy of that letter regarding the Plan which I transmitted to your Lordship soon after I waited on you last.”<sup>1</sup> Now, as we shall see, this plan was for the regular dissemination of information from Bow Street, so that when the hue and cry by handbill proved so effective in the Chelsea case, John was quick to seize upon it as a concrete example of what might be accomplished if the police had their own paper. Judiciously he gave Lord Suffolk the entire credit for the issue of the handbills. “Sir John Fielding presents his respects to Mr. Whately and Mr. Fraser,” he informed the Under-Secretaries soon after the end of the Chelsea business, “shall be ready and happy to see them tomorrow by two at farthest, as his lecture on the Police will take an hour at least. Having wrote the enclosed this morning as a paragraph, have taken the opportunity of sending it for your perusal before I send it to the paper.” The enclosure, which I have not seen in the papers of the period, read as follows :

The spirited assistance lately afforded to the magistrates by the Earl of Suffolk on the discovery and pursuit of the Jew housebreakers and murderers does him the highest honour both as a man and as officer of State. We are told that the method used by his Lordship to publish the descriptions of these miscreants in order for their apprehension was so extensive in its nature and so lively in its operation that it almost answered the end of a hue and cry throughout every parish in the Kingdom, but as the civil power must ever be the best security not only for the liberties but the lives and property of his Majesty’s subjects, whenever on such

<sup>1</sup> Already quoted in part at p. 199 above.



occasions it is animated and supported by sense and authority it will rise superior to the most daring offences and suppress the most striking mischiefs in society.<sup>1</sup>

John was not, however, able to get any further with his new plan until the autumn of 1772. He then outlined it in a letter to "the Mayors, Chief Magistrates, and Acting Magistrates of the United Kingdom" which was published in the press and reprinted and distributed in the form of handbills. Copies of the latter are now in the Public Record Office.<sup>2</sup>

The correspondence he had so long kept up with the magistrates, he said, was to be extended, and in future a list of criminals who had escaped justice in London and were thought to be in the country would be circulated every quarter from Bow Street. Every week a newspaper would be sent gratis "in which the advertisements relating to offences and offenders from our office will be printed in such a large character, that, when cut out of the paper and stuck up, they will be very legible." "This communication and intercourse between the civil power in the country and the metropolis," he continued, "will establish such a manly and effectual pursuit, as must be the means of saving many of the lives of his Majesty's subjects, by its preventive powers, which will be pleasing to humanity, agreeable to policy, and an honour to government; and as this event is the favourite object of my ambition, and the great end of twenty years labour, I shall ever retain the most grateful sense of the assistance I shall meet with in this no less immense than useful work from my brother magistrates."

A few weeks later he thanked all concerned in helping him to establish the "Quarterly Pursuit" and the "Weekly or Extraordinary Pursuit," which would be issued more often if necessary, and suggested that "it would be well to place them on a board to be provided for that purpose, entitled the 'Weekly Hue and Cry.'"

<sup>1</sup> S.P. 37/9, f. 83/35A (undated).

<sup>2</sup> S.P. 37/9, f. 85/80, etc.

By October 19, 1772, the plan was working well, and he sent the following letter to the county magistrates :

The powerful and unanimous assistance with which you have lately honoured my endeavours for the public service has at length put my favourite preventive machine into motion in all its parts. . . . The salutary ends proposed by this plan are to save the lives, preserve the liberty, property, and reputation of our fellow subjects, in preventing of criminal offences by the speedy detection of offenders ; nor can anything defeat these ends, or hinder the success of this undertaking, but the neglect of individuals in giving immediate notice of the wrongs they have received to the magistrates, or the magistrates omitting to transmit to the above office an early account of those offenders that have escaped justice from the country, with an exact description of their persons, and a proper warrant for their apprehension ; which being filed at the above office, will be ready to be sent to any part of England, where the offender may be stopped by means of this plan ; but time will naturally remove defects of this kind.

And now, gentlemen, you will permit me for a moment to indulge my own vanity, and at the same time to express my partiality to my country ; for when I behold the structure of this useful and extensive institution, it is impossible not to declare it to be as far superior to any regulation of this kind in any other government, as the laws and constitution of England are to those of any other nation in the known world. The police of foreigners is chiefly employed, and at an immense expense, to enquire into and discover the common and indifferent transactions of innocent inhabitants and nameless travellers, which regard themselves only, and but faintly relate to the peace of society ; this policy may be useful in arbitrary governments, but here it would be contemptible, therefore both useless and impracticable. The manly police of England, which is the civil power, considered either in its private or



collective capacity, cannot effect the liberty of the meanest of his Majesty's subjects, until he has been charged ; . . . but when once this is done the pursuit begins, and by the present happy establishment, through your means, notice of the offender is speedily communicated to the peace officers throughout every district to the remotest part of this kingdom, which can seldom fail, sooner or later, to produce the criminal at the Bar of his country, there to answer for the violation of its laws. What stratagem can evade this pursuit, and what force resist its power? Surely this will prove to common minds beyond contradiction, that 'honesty is the best policy,' and innocence the only security. The feelings of humanity, and that real love for your country which has occasioned so much spirit among the magistrates, at a time when luxury, extravagance and dissipation bid fair for the total overthrow of subordination, will certainly be attended with the happiest effects.

And the approbation so politely and liberally bestowed on my conduct by so numerous and respectable a body as the magistrates throughout England, although an adequate reward for much greater labours and more essential services, must be considered as the highest honour that ever was or can be conferred on any subject ; however, as such it has been received, as such it has been enjoyed, and as such it will be remembered to the latest period of his life with a cordial and becoming gratitude by, gentlemen,

Your very respectful,

and the public's faithful servant,

J. FIELDING.

An interesting as well as pleasing letter. John was ever an optimist, yet, in fact, he did not unduly exaggerate the usefulness of his plan, for it meant nothing less than the creation of a national detective office. In this respect Bow Street was in advance of Scotland Yard. The leeway of more than a century and a half will, however, soon be made up, for a scheme for securing the closer co-operation of police forces throughout

the country is under the consideration of the Home Office.

According to the *Times* of August 30, 1933, “a number of chief officers at Scotland Yard have long felt that the London headquarters should be made a kind of national clearing house for crime throughout the country. So many criminals operate outside the area in which they live that it not infrequently happens that they are able to defy capture for long periods. This they would not be able to do, it is argued, if there were the close co-operation between the police forces of the country and Scotland Yard, which is aimed at by the new scheme.” In short, the “communication and intercourse between the civil power in the country and the metropolis,” which was John’s “favourite preventive machine,” is about to be re-established.

A point which was very much in the eighteenth-century detective’s favour was the small population; about eight millions at the end of the century. This, coupled with the relatively static nature of life in country towns, which tended to make strangers conspicuous, made it much more difficult than it is now for a criminal to lie low out of London. A gossip is nearly as good as a detective, and eighteenth century life gave grand opportunities for tongue-wagging.

On January 30, 1773, John sent Lord Suffolk copies of these letters to the magistrates, and informed him that the “plan for preventing offences by the speedy detection of offenders” had been tried with great success. He asked that it might receive the King’s approval, so that the necessary funds might be forthcoming. “From the exactest calculation it appears that the additional annual expense of putting this extensive plan into execution in all its parts would not be more than £400, an absolute atom, nay a very nothing when compared to the amazing benefit that must inevitably arise to the community from it.”

Lord Suffolk replied on February 4, thanking John for “the curious and interesting communication he has made him. He is fully persuaded that a plan so



replete with public utility will attract proper consideration, and he shall be extremely ready to contribute his endeavours to promote Sir John's very moderate and equitable wishes on the occasion."<sup>1</sup>

Nevertheless, on July 9, John had to remind Lord Suffolk that the matter was still outstanding.<sup>2</sup> This had the desired effect, and on the following August 26, he was able to write as follows :

Sir John Fielding presents his respects to the Earl of Suffolk and has the pleasure to acquaint his Lordship that he had the honour of an audience this morning with my Lord North touching his general preventive plan, that his Lordship had represented it to his Majesty, who has been graciously pleased to afford it his royal countenance. My Lord North's goodness and attention on this occasion gave me real delight, and as your Lordship has taken no small pains to forward this institution I thought it my duty to give you the earliest notice of what happened this morning, and to return you thanks for your polite and friendly countenance in this matter. And hope that the happy effects of this plan will amply repay all those who have had any share in its establishment.<sup>3</sup>

A good (or bad) example of John's little habit of jumping from the third to the first person in his letters. The additional £400 brought the annual cost of Bow Street to £1,000 a year, or £1,400 including John's miserable salary. We may say that the entire sum was "an absolute atom" compared with the good it produced.

The very nature of the plan brought Bow Street before the entire British public; not that the office had not been well-known before. Interesting as an indication of the extent to which the plan became a topic of discussion, and amusing in itself is a letter from 'An Old Fashioned Farmer,' living at Coventry, addressed to

<sup>1</sup> S.P. 37/10, f. 86/5AB. <sup>2</sup> In a letter quoted in part at p. 183 above.

<sup>3</sup> S.P. 37/10, f. 86/31.

John and published in the *London Evening Post* of January 5, 1775. Although the “famous plan for thief-taking may have a multitude of admirers,” said the farmer, he had a much better one, which was to stop ploughland being converted into pasture, as was happening everywhere. This would increase and therefore cheapen provisions, and so no one would be driven to crime through want.

Six years after John’s death, in 1786, his successor and former assistant Sir Sampson Wright, converted the weekly crime bulletin issued from Bow Street into a more newspaper-like affair called the *Public Hue and Cry*. Early in the nineteenth century the title became the *Hue and Cry and Police Gazette*, which was again changed to the *Police Gazette* in 1828 (the year before the Metropolitan Police were established). Growing more comprehensive as time went on, the paper remained a Bow Street matter, edited by the Chief Clerk of the Court, until 1883, when it was transferred to Scotland Yard. “It continued to be a weekly publication down to 1914, since when it has gradually developed into a daily issue with a stop press which enables information to be circulated in its pages within an hour or two of reaching Scotland Yard. The *Gazette* is supplied without charge to the police of Great Britain, Ireland and certain imperial and foreign forces.<sup>1</sup> It is not now, as it once was, on sale to the public but is issued solely for official use. It contains particulars (with photographs) of persons who are wanted for crime or whom the police are desirous of tracing, and also of those who are awaiting trial, in case they may be wanted elsewhere for other offences. The results of trials are also circulated, together with special warning notices about criminals, particulars of property stolen and recovered, etc.

“Besides the *Gazette* proper, there are five special supplements to it which are practically separate publications. The most important is Supplement ‘A’, origin-

<sup>1</sup> The establishment of a separate *Gazette* for Scotland is now under consideration (the *Times*, November 24, 1933).



ally known as the *Illustrated Circular*, which is issued fortnightly and gives the portraits, descriptions, methods and other particulars of expert and travelling criminals liberated from prison—in fact, all details sufficient to enable a provincial police force to make up a miniature crime index of its own. Three others are weekly issues devoted to convicts on licence or police supervisees wanted for failing to report, aliens and deserters. The fifth is a monthly supplement for stolen motor-cars, etc.”<sup>1</sup>

Handbills describing stolen goods and wanted persons are also much used by the police, as everyone knows. The “*Informations*,” a printed circular issued twice daily throughout the Metropolitan Police Force describing offences, persons arrested or wanted, property stolen and so forth, may be compared with the special service of handbills which John maintained for the stable-keepers as a means of tracing highwaymen, while the “*Pawnbrokers’ List*,” now issued daily to every pawnbroker and dealer in the Metropolitan Police District, is a direct extension of John’s advertisements in the *Public Advertiser*, which, it will be remembered, the principal pawnbrokers agreed to take in. In short, John Fielding made the fullest possible use of what is still regarded, even in these days of wireless, as the policeman’s most useful ally ; the printing-press.

<sup>1</sup> Moylan, pp. 202–3.

## CHAPTER XVI

### SIR JOHN FIELDING AND GARRICK

IN many ways John had a strong connexion with the theatre ; he was Henry Fielding's brother, he lived near the two patent theatres, and as principal magistrate he had to deal with any disorders which the theatres occasioned and to enforce the Licensing Act for which his brother had been largely responsible.

It is well known that from the time of Queen Elizabeth to the latter half of the last century, audiences were rowdy and riotous to an extent which now seems almost incredible. There was nothing exceptional about the following notice inserted by John in the *Public Advertiser* of October 29, 1756 :

Whereas several persons have of late been detected at both Theatres scandalously throwing things out of the galleries into the pits, not only contrary to law, but to common sense, nay to common humanity ; and have been apprehended and committed to prison by Mr. Fielding. That magistrate gives this public notice, being authorised thereto by the managers of both houses, that no expenses will be spared by them to detect, nor pains by him to punish to the utmost extremity of the law, all those who shall for the future be found guilty of thus disturbing and annoying the rest of the audience.

In 1755 and 1756, he had to help put down riots at Drury Lane ; in this, too, there was nothing extraordinary. A more unusual occurrence he described in these words :

On the first of January, 1761, a man was detected in



maliciously cutting the cloaks and gowns of several women in the gallery at Covent Garden Playhouse, and brought before me; but by 6 Geo. I, c.23, the punishment for cutting of apparel is confined to the streets and highways only. If the words 'or elsewhere' were to be added to this clause, it would put a total stop to this contemptible diversion of bucks, as well as to a malicious practice used by some footmen, who frequently cut and spoil their liveries, when their masters refuse to give 'em them.<sup>1</sup>

In February, 1763, there were the famous "H.P." riots at both theatres, following an attempt by the managers to discontinue the custom of admitting people at half-price after the third act, the attraction being the afterpiece with which the performance ended. As for examples of ordinary crime connected with the theatre, an interesting case was reported in the *Public Advertiser* of December 6, 1756:

Last Wednesday, two persons were committed to New Prison by John Fielding, Esq., for defrauding the managers of Drury Lane Playhouse of different sums of money, which they did in the following manner: They produced an order under the name of Mr. Garrick, whose hand they had imitated, and when they had obtained admittance by virtue of this order, they stayed in the house until they thought the door-keeper had forgot their persons; then went out on some pretended dislike, and demanded their money again. This stratagem succeeding at the pit, from the fullness and hurry of the house, where they got three shillings apiece, they put it into practice at the same house last Wednesday evening, in the two-shilling gallery; but they had no sooner received the two shillings than they were taken into custody, the cheat being discovered the evening before, tho' not time enough to apprehend the parties, one of whom is an Irish footman out of place, and the other an Irish gentleman without an estate.

<sup>1</sup> *Extracts from the Penal Laws*, 1768, p. 413.

Now for John's relations with Garrick during 1772-78. With good cause did he say he feared misrepresentation, for the events which I am about to relate have never yet been presented in their true light. Indeed, some of the statements of modern writers who have touched upon this subject have been farcical in their absurdity. John must first have some across the actor in 1749, if not earlier, for Garrick and Henry Fielding were great friends. The first Lady Fielding perhaps provided another link, as she, too, came from Lichfield. With Drury Lane so near Bow Street, and a common meeting-place in "Tom's Coffee-House," there can be no doubt that John and Garrick were often in contact, and from a little tiff they had in 1772, it can be seen that they were on pretty good terms. Garrick was then fifty-five, and had seven years to live, and John was fifty-one, with eight years ahead of him.

The cause of this tiff (it was certainly not a quarrel) was the famous Italian pyrotechnist Torr , whom Garrick had brought over to England from France. His price being too high for Ranelagh, he was hired by Dr. Samuel Arnold, the proprietor of the less fashionable Marylebone Gardens and a musician of some note. Now by an Act passed in 1697 (9 Will. III, c.7), it was an offence either to make fireworks or to discharge them, but the Board of Ordnance would always license public displays, and, in fact, the measure was virtually a dead letter, as we know from John's frequent warnings against throwing squibs in the streets.

Torr  began his displays in May, 1772. Local residents very soon found that if his merit was to be measured by the amount of noise he produced he was undoubtedly the world's greatest fireworker. Hardly less loud, indeed, than his crackers were the complaints which echoed his every performance. At length Mrs. Fountayne, wife of Dr. John Fountayne, the Dean of York, and others who lived near the Gardens, had Arnold, as Torr 's promoter, charged at Bow Street with causing fireworks to be made. The case had to be dismissed as



the necessary license had been obtained from the Board of Ordnance.<sup>1</sup>

Rather foolishly as it now seems, when the complaints against Torr  were at their height John told George Garrick that he was surprised at David Garrick's "countenancing Torr  in an illegal act." On hearing this David wrote John a genial letter, dated "Hampton, June 28, 1772," explaining his connexion with the ear-splitting Italian. "If I were sure you would not laugh, I should be very angry with you," he began. "What can you possibly mean by telling my brother that you are surprised 'at my countenancing Torr  in an illegal act?'" Are you really serious, or, what I like much better, joking with me?" After telling John of his negotiations with Torr , he ended:

I have consulted no lawyer for him, nor applied to any magistrate, nor have I conversed with any upon the subject but yourself; so, my good friend, pray explain yourself to me. I wish Torr  well, for he has great worth, spirit and genius, in his way. But I would not countenance my brother in an illegal act. I honour the laws of my country, and no man, I trust, less offends, them than,

Dear Sir, your most obedient servant,

D. GARRICK.

My best compliments to your lady.

This scrawl has been written in such a hurry, that I have been obliged to teach Becket, the bearer, to read it, and who will be the interpreter between us.<sup>2</sup>

It will be seen that Garrick did not take the matter very seriously, and although John's explanation, if a written one, has not survived, it can be said from

<sup>1</sup> The *Gazetteer*, May 16, 1772, etc. (advertisements of Torr ); the *London Chronicle*, June 30 to July 2, 1772 (the case against Arnold, heard on July 1); *The London Pleasure Gardens*, by W. Wroth, 1896, p. 105.

<sup>2</sup> The correspondence given in this chapter is quoted from the original letters in the John Forster Collection of MSS. in the Victoria and Albert Museum. The above letter is reprinted in the *Private Correspondence of David Garrick*, 1832, i, p. 474.

subsequent events that the affair was soon forgotten by both men.

Once their novelty was exhausted Torr 's displays ceased to attract, especially because the charge for admission to the Gardens was high compared with the merit of the show. It is well known that Dr. Johnson once instigated a riot against the unfortunate Italian, when, owing to heavy rain, the fireworks could not be made to explode. "This is a mere excuse," said Johnson, "to save their crackers for a more profitable company. Let us both hold up our sticks, and threaten to break those coloured lamps that surround the orchestra, and we shall soon have our wishes gratified." Some youths took up the good man's cry, and laid about them with their canes, but to no purpose. Even the conversation of Johnson himself could not dry up damp squibs.<sup>1</sup> In September, 1776, the Gardens were closed, doubtless greatly to Mrs. Fountayne's relief, and two years later were in the hands of the builders. Upper Wimpole Street and adjoining thoroughfares are now on the site.

We now come to a matter on which much nonsense has been written; namely, John's objection to the *Beggar's Opera* on the grounds that it "never was represented on the stage without creating an additional number of real thieves." Modern writers who have touched on this subject, such as Fitzgerald, Professor Cross, and Mr. Armitage, have entirely ignored the well-known fact that as soon as Gay's immortal comedy was produced (early in 1728) it was seriously assailed, and not by any means only by cranks, for its glorification of the criminal in the shape of Macheath, as well as for its political innuendoes. This controversy went on into the nineteenth century. The "Morality Question" of the *Beggar's Opera* was, in fact, such a burning one that Boswell thought he would write a book about it; however, he did not, and it remained for Dr. W. E.

<sup>1</sup> George Steevens gave Boswell the story; see the latter's *Life of Johnson* under year 1784. The incident must have occurred in 1772-74, the period of Torr 's visit.



Schultz to bring out the first serious study of the question so recently as 1923.<sup>1</sup>

It is not my purpose to argue the point one way or the other ; all I wish to show is that right or wrong, John Fielding headed a party which both in numbers and in the quality of its adherents was always one which demanded respect. After all, has not the modern "gangster-film" given rise to an exactly similar controversy ?

In the case of Gay's comedy the objection has always been that Macheath is allowed to get away with his crimes ; as Defoe wrote in *Augusta Triumphans*, published in the very year that the piece was first seen, "we take pains to puff rogues up in their villainy, and thieves are set out in so amiable a light in the *Beggar's Opera* that it has taught them to value themselves on their profession, rather than be ashamed of it, by making a highwayman the hero and dismissing him at last unpunished." There was nothing new in what Gay showed ; the highwayman had been glorified in the most absurd way long before 1728 ; but anything tending to promote this silliness was justly open to question. Unfortunately satire has never appealed very strongly to the British public, and Henry Fielding's biting work, *Jonathan Wild*, in which he debunked the criminal once and for all, found relatively few readers. So the game of surrounding mean men of limited intelligence with an aura of romance went on.

In the autumn of 1772, soon after the Torr  episode, Garrick advertised the *Beggar's Opera* to be played at Drury Lane. As Chairman of the Westminster bench, John Fielding wrote and asked him if he would take the piece off, for the reasons I have just given. Garrick complied with this request as soon as he could arrange for another show, and not the slightest ill-feeling was caused. It must be said that Garrick himself, as a "straight" actor, was not particularly keen on Gay's work.

A year later the *Beggar's Opera* was advertised to be

<sup>1</sup> *Gay's Beggar's Opera*, by William E. Schultz, 1923, pp. 226-69.

played at both Drury Lane and Covent Garden. John again asked Garrick to substitute another piece, and the actor answered "that it would be exceedingly inconvenient, if not impossible, for him to open with any other piece, than that he had already advertised; but added, that he would for the future do everything in his power to oblige them (the magistrates)." There was no rancour in this. The *Gentleman's Magazine*, from whose report I have just quoted, backed up John's request, asserting that "the *Beggar's Opera* is, in truth, the thief's Creed and Common Prayer Book."<sup>1</sup>

With Covent Garden, John was not so successful. A fortnight or so later, early in October, the following letter was sent to George Colman:

The magistrates now sitting in Bow Street present their compliments to Mr. Colman, and acquaint him, that on the *Beggar's Opera* being given out to be played some time ago at Drury Lane Theatre, they requested the managers of that theatre not to exhibit this opera, deeming it productive of mischief to society, as in their opinion it most undoubtedly increased the number of thieves; and the managers most obligingly returned for answer that for that night it was too late to stop it, but that for the future they would not play it if the other house did not. Under these circumstances, from a sense of duty and the principles of humanity, the magistrates make the same request to Mr. Colman and the rest of the managers of his Majesty's Theatre Royal, Covent Garden; the same opera being advertised to be played there this night.

"I was on the stage at rehearsal when Colman received Sir John's letter," wrote Charles Lee Lewes, the leading comedian at Covent Garden at this time. "After reading it he held it up to the whole company, and exclaimed, 'By God, this is laughable! Here's Sir John Fielding attempting to reform the Stage. Here, Joe

<sup>1</sup> *Gentleman's Magazine*, September 15, 1773, p. 464; see also p. 652, reprint of a letter written against the opera in 1728.



(the prompter), give me ink and paper'." <sup>1</sup> Thereupon Colman sat down and wrote the following reply :

Mr. Colman presents his best respects to the magistrates with whose note he has just been honoured. He has not yet had an opportunity of submitting it to the other managers, but for his own part cannot help differing in opinion with the magistrates, thinking that the theatre is one of the very few houses in the neighbourhood that does not contribute to increase the number of thieves. <sup>2</sup>

The point of the last remark was, it need hardly be said, that the Bow Street Office increased thieves, for so new a thing was police to England that thief-taker and thief-maker were synonymous terms, and remained so long after the establishment of the Metropolitan Police, when detectives were generally considered to be spies or agents-provocateurs. As long as the system of rewards was in force such a charge had a substratum of fact, but as far as I know there is no evidence of any of John Fielding's men acting improperly.

At Colman's refusal John let the matter drop ; there was really nothing else he could do. There was no quarrel at all between him and either Garrick or Colman ; as Dr. Schultz says, " the Bow Street magistrates must have been sincere in their attempt at prohibition on the grounds of public welfare. No political motives whatever and no personal feeling against either Colman or Garrick are apparent."

The protest was not, however, without effect. John did not go as far as was recommended by a pseudonymous writer in the *Whitehall Evening Post* of December 15, 1774, a year later, who said : " The Middlesex justices had sense and virtue enough to represent, lately, against the exhibition of the *Beggar's Opera* ; but their remonstrances, like all modern ones, being disregarded, why had they not the spirit to have that dangerous piece presented by their Grand Jury, as a

<sup>1</sup> *Memoirs of C. L. Lewes*, 1805, iv, p. 256 note.

<sup>2</sup> *Memoirs of the Colmans*, by R. B. Peake, 1841, i, pp. 317-18.

public nuisance?" ; which would probably have done more harm than good. But in 1777, when the piece was again given at Covent Garden and Drury Lane, Captain Edward Thompson at the former theatre and Garrick at the latter both sentenced Macheath to hard labour on the Thames. These versions were not, however, successful. It is interesting to find that in 1750, the French managers would not give a translation of the opera unless Macheath was hanged in the last act ; which the adaptor refused to countenance.

Many people approved John's attempt at prohibition, among them Charles Macklin, who was then acting at Covent Garden, and Hugh Kelly the playwright. This is yet further proof that there was no battle between Bow Street and the theatres, as has been suggested. The following story is attributed to Macklin :

Much has been said of the *Beggar's Opera*, and it is one of those lucky hits which cannot be too much praised ; we fear the representation of it has done infinitely more harm than good. . . . In questions of this sort, facts best speak for themselves : the late Sir John Fielding, whose judgment must be decisive in these matters, once told the late Hugh Kelly, on a successful run of the *Beggar's Opera*, "that he expected a fresh cargo of highwaymen in consequence at his office" ; and upon Kelly's being surprised at this, Sir John assured him, "that ever since the first representation of this piece, there has been, on every successful run, a proportionate number of highwaymen brought to the Office, as he would shew him by the books any morning he took the trouble to look over them." Kelly had the curiosity, and found the observation to be strictly true.<sup>1</sup>

It would, indeed, be difficult to counter this evidence ; but I am not arguing the point. Another contemporary who testified to the evil influence of the opera, and praised John's attempt at banning it, was John Ireland, Hogarth's biographer.<sup>2</sup> Perhaps Johnson and Boswell

<sup>1</sup> *Anecdotes of Charles Macklin* ("principally related by himself"), the *European Magazine*, January, 1800, p. 22.

<sup>2</sup> *Hogarth Illustrated*, by John Ireland, 1791, ii, pp. 344-47.



between them gave the fairest summary of the *pros* and *cons* of the question. On April 11, 1775, this strange pair, Sir Joshua Reynolds, and others were dining with Mr. Cambridge at Twickenham :

The *Beggar's Opera*, and the common question, whether it was pernicious in its effects, having been introduced :—  
JOHNSON : “ As to this matter, which has been very much contested, I myself am of opinion, that more influence has been ascribed to the *Beggar's Opera* than it in reality ever had ; for I do not believe that any man was ever made a rogue by being present at its representation. At the same time I do not deny that it may have some influence, by making the character of a rogue familiar, and in some degree pleasing.”<sup>1</sup> Then collecting himself, as it were, to give a heavy stroke : “ There is in it such a *labefaction* of all principles as may be injurious to morality.”

While he pronounced this response, we sat in a comical sort of restraint, smothering a laugh, which we were afraid might burst out. In his life of Gay, he has been still more decisive as to the inefficiency of the

<sup>1</sup> Here Boswell noted : A very eminent physician, whose discernment is as acute and penetrating in judging of the human character as it is in his own profession, remarked once at a club where I was, that a lively young man, fond of pleasure, and without money, would hardly resist a solicitation from his mistress to go upon the highway, immediately after being present at the representation of the *Beggar's Opera*. I have been told of an ingenious observation by Mr. Gibbon that the *Beggar's Opera* may perhaps have sometimes increased the number of highwaymen ; but that it has had a beneficial effect in refining that class of men, making them less ferocious, more polite, in short, more like gentlemen. Upon this, Mr. Courtenay said that “ Gay was the Orpheus of highwaymen.”

Gibbon's observation was ingenuous, not ingenious. The *Sessions Papers*, the *Newgate Calendar*, the daily papers, etc. all prove that the “ polite highwayman ” was almost a myth, and that the majority were extremely callous. A few wretches who were not born thieves, like Anderson in *Tom Jones*, went on the road and behaved with a gentleness born of fear. Sophie v. la Roche, for instance, heard of one such, and resolved “ to observe the voice of anyone who might attack, and speak gently to him ” (*Sophie in London*, 1786, translated by Clare Williams, 1933, pp. 235-37) ; to such lengths could sentimentality be carried. The truth is that the Englishman has always loved the legend of the “ gentleman-crook ” ; witness the popularity of fictional characters such as Robin Hood and Raffles, and the many romantic but utterly untrue versions of the lives of Claude Duval and Dick Turpin. There is no denying that this can be a very pleasing form of fantasy when the thief is not too angelic,

*Beggar's Opera* in corrupting society. But I have ever thought somewhat differently ; for indeed, not only are the gaiety and heroism of a highwayman very captivating to a youthful imagination, but the arguments for adventurous depredation are so plausible, the allusions so lively, and the contrasts with the ordinary and more painful modes of acquiring property are so artfully displayed, that it requires a cool and strong judgment to resist so imposing an aggregate ; yet, I own, I should be very sorry to have the *Beggar's Opera* suppressed ; for there is in it so much of real London life, so much brilliant wit, and such a variety of airs, which, from early association of ideas, engage, soothe, and enliven the mind, that no performance which the theatre exhibits delights me more.

Further proof that the affair of the *Beggar's Opera* did not in any way break off the good relations between the managers of the two patent theatres and the Bow Street police is to be found in a notice inserted by John in the *Public Advertiser* of December 31, 1773, beginning : " The managers of the Theatres Royal in Drury Lane and Covent Garden having adopted and at considerable expense established a plan proposed to them for the total suppression of pickpockets infesting the Avenues to those theatres, there is no doubt but that this preventive measure will be attended with very salutary effects."

How was it, these being the facts of the matter, that Fitzgerald and others came to say that John had an angry controversy with Garrick over the *Beggar's Opera*? The answer to this question is undoubtedly William Augustus Miles. We have already met him;<sup>1</sup> he need not detain us much longer. The *Dictionary of National Biography* labels him " political writer," but he would never have been included in that work had he not really been what the late Lord Rosebery called him : " a fatuous busybody."<sup>2</sup>

<sup>1</sup> See p. 175 above.

<sup>2</sup> *Pitt*, by the (fifth) Earl of Rosebery, 1891, p. 127 ; Miles managed to intertere with the Great Commoner.



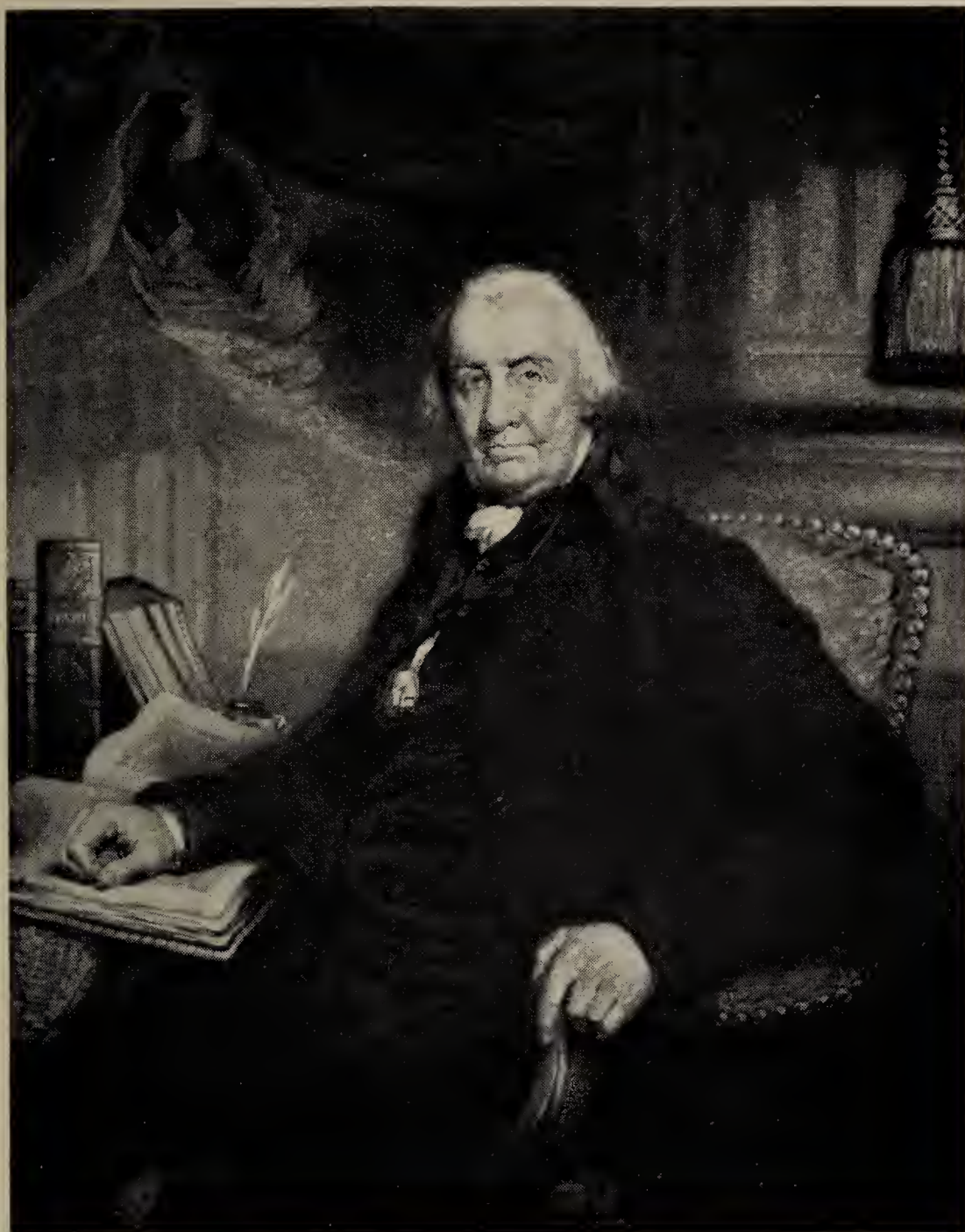
Aged nineteen or twenty in September, 1773, Miles had the impertinence to publish *A Letter to Sir John Fielding, Knt., Occasioned by his extraordinary request for the Suppression of the Beggar's Opera*. It was a defence, very much overstated, of the *Beggar's Opera*, together with advice to Sir John Fielding on how to run the police (the fact that when John became a magistrate Miles was neither born nor thought of carried no weight with the author) and a eulogy of Garrick. The only parts of it that are of interest to us I have already quoted; other passages are of some value from the point of view of the general history of the morality question of the *Beggar's Opera*, which does not concern us in detail.

Very sensibly John took no notice of Miles's effusion; certainly it was not worthy of an answer. Unfortunately, the power of the printed word being great, modern writers have been content to quote this ridiculous pamphlet as if it was the considered work of a sensible writer, and have read into it an angry controversy between Garrick and John that never took place. It must be said that Garrick, who throve on flattery like most great actors, was pleased with young Miles for his eulogy and on the strength of it procured him an appointment in the Navy; but it is perfectly clear that it was Miles's song of praise, and not his hymn of hate against John Fielding, that prompted Garrick to do this.<sup>1</sup>

So much for the *Beggar's Opera*; had not John been so grossly misrepresented I should not have dealt with the matter at such length. Two years passed, very

<sup>1</sup> In fairness to Miles it must be said that his lifelong habit of poking his nose into other people's business enabled him to write tracts and letters of some historical value. Not recorded in the D.N.B. is the fact that he was one of the ringleaders of the riots against Macklin in 1773, which resulted in the famous case when Lord Mansfield laid down the law on hissing in the theatre. Miles, who was alleged to have yelled at Macklin, "Hoary villain, hoary rascal, hoary scoundrel, off! off!" was found guilty but not convicted owing to his absence at sea (*Memoirs of Charles Macklin* by J. T. Kirkman, 1799, ii, pp. 55-256).

It is, perhaps, worth noting that Lord Mansfield only restated a magisterial decision of 1738 (*History of the Theatres*, by Benjamin Victor, 1761, i, pp. 55-56; *Johnson's England*, 1933, ii, p. 177).



SIR WILLIAM ADDINGTON.

*(Painted by M. Archer Shee, and engraved by W. Ward, 1795.)*

*[To face page 286.]*





busy ones for John, for in addition to his routine work he was, as we know, setting his "general preventive plan" in motion; slack but painful ones for Garrick, whose health was slowly ebbing. Then the two men really did quarrel.

It began in February, 1776, and was occasioned by a row between George Garrick and William Addington (later Sir William), one of John's assistants and particular friends. Born in 1728, and therefore seven years younger than John, the son of a well-known Northamptonshire parson, Addington began by following his father's career, but soon resigned his livings and entered the army, rising to the rank of major in Burgoyne's Light Horse. He married a Miss Lumley, a natural daughter of Lord Scarborough, and both he and his wife were pretty well-off. Retiring from the army he became, on John's recommendation, a Westminster justice; he was, indeed, just the kind of man for the job.<sup>1</sup> He had some talent as a playwright, and it was over a play he had written that he came almost to blows with George Garrick behind the scenes at Drury Lane and also at Bow Street. A quarrel between an author and a manager is, of course, nothing extraordinary, and this one would not be worth our attention but for the fact that it also involved David Garrick and John Fielding.

In this very winter of 1775-76 there fell into David Garrick's hands the long-lost manuscript of Henry Fielding's play the *Goodnatured Man*, which had never been acted. "Had I found a mine of gold upon my own land, it could not have given me more pleasure," said Garrick. "I immediately went to his brother Sir John and told him the story of my discovery, and immediately, with all the warmth imaginable, offered my services to prepare it for the stage. He thanked me

<sup>1</sup> *Gentleman's Magazine* obituaries of the Rev. Charles Addington, October 31, 1781, and Sir William Addington, April 7, 1811; Baker's *Biographia Dramatica*, 1812 (see also Hugh Kelly, with whom Addington was very friendly); *Farington Diary*, 1796, i, pp. 173-74 (his marriage, etc.). He was the author of *An Abridgment of the Penal Statutes*, 1775, dedicated to Sir John Fielding.



cordially, and we parted with mutual expressions of kindness.”<sup>1</sup>

As Henry Fielding's widow was the rightful owner of the play, John left the business arrangements to her eldest son, William Fielding, then just twenty-seven years old. John himself simply held a watching brief in the matter. Thus we find William writing Garrick rather a strange letter, dated February 21, 1776, criticising pretty severely his father's play; “the two expressions ‘spindle-shanked beau’ and ‘rampant woman of quality’ are most abominable,” was one of his strictures.<sup>2</sup> Where was the family sense of humour?

All would doubtless have gone well but for the sudden flare up between Addington and George Garrick. David, who was not a quarrelsome man (except on the stage),<sup>3</sup> for some reason got it into his head that John was backing up Addington. John denied this. Thus the quarrel began. We can only take up the story in detail on February 21, 1776 (Wednesday), when John wrote to the actor to the effect that from Garrick's “answer on Sunday and his note of yesterday he apprehends that he has taken umbrage at something, assures him that he has done nothing to give the least offence.”

Garrick wrote the next day, and referred to “the false accusation and unjustifiable behaviour of one of his (Sir John's) friends to his brother, whose warmth was too natural to merit the severe censure it met with. Mr. Garrick imagined that the great compliment he paid the police by giving up his interest to their opinion, deserved justice, at least, from any magistrate in Westminster.” This, of course, referred to his taking off

<sup>1</sup> This note was written by Garrick to explain “the beginning of my correspondence with Sir John Fielding.” It is dated by another hand (Forster's (?)) “June 28, 1772,” and placed next the letter of the same date referring to Torr . The correct date is February, 1776.

<sup>2</sup> So careless was Fitzgerald that he attributed this letter to Sir John Fielding. His transcription of “rampant woman of quality” as “rampant woman's immorality” (which is meaningless) was a minor error for him.

<sup>3</sup> “Your brother is very well, but has not forgot to scold,” wrote William Hopkins, the Drury Lane prompter, to George Garrick, on December 14, 1774; “Good God, what an angel he would be if he would do his business with good temper, but that's impossible!” (Forster Collection, XXVI, f. 40).

the *Beggar's Opera* in 1772 and 1773. Then came a threat which greatly perturbed John; Garrick declined to have anything more to do with Henry Fielding's play "as his present state of health may oblige him to go abroad for some time." It was quite true that he was ill, but it was obviously pique and not ill-health that prompted this refusal.

Now the fur began to fly. The same day, February 22, John wrote to the great actor lamenting the fact that he was "so unkind as to decline his friendship to his (Sir John's) late brother's family on account of an offence given by Mr. Addington to him or his brother," and asked him for the return of the play. Garrick's answer has not survived, and the next letter, dated February 23, is also John's. It was a statement of his relations with the actor, too long to be quoted here. Sometimes rather angry, sometimes a little pathetic, the letter ended with the word "Farewell."

Garrick immediately returned answer, ending with the generous phrase: "What you have said kindly I will remember, what unkindly I will forget, and I will not say farewell." John, however, sent the letter back unopened. Nevertheless, this was the end of the quarrel, both men probably realising that they had been rather childish. On March 1, Addington, who had been out of London, informed Garrick that John, "whom he has always considered as Mr. Garrick's real friend," had taken no part in the Addington-George Garrick controversy, and on July 23, when the great actor announced his retirement, John formally made peace by writing him a letter of congratulation. "There is every reason to hope," said John a little pompously, "that this retirement will be adorned by elegance, hospitality, and cheerfulness, to the great benefit of his (Garrick's) select friends. . . . Whilst posterity shall behold him as an inimitable actor, they will no less admire him as a good man." Garrick replied as follows:

Mr. Garrick presents his best compliments to Sir John Fielding, and is very happy in receiving so flatter-



ing a mark of the approbation of one whom he always esteemed and respected. No man is more sensible of Sir John Fielding's merit and probity than Mr. Garrick : if Mr. G. appeared hurt and jealous that an old family connection of love and regard was given up to a later acquaintance, he will bring old Montaigne, a most natural writer, to justify him ; he says that friendship, in minds of great sensibility, almost equals the warmth and weaknesses of love, and jealousy is as sure a mark of one as the other. Mr. G. is much obliged to Sir John for his very friendly wishes, and shall be much more cheerful in his retirement, if Sir John will now and then partake of his hospitality with those select friends he mentions in his note.

John's letter, and the rough copy of his own, were endorsed by Garrick "a letter of reconciliation with Sir John Fielding."<sup>1</sup>

So much for this quarrel, here presented for the first time in its true light. Apart from this, Garrick's illness delayed the production of Henry Fielding's play, and it was not ready for Drury Lane until November 30, 1778, nearly three years after its discovery. Sheridan was then manager of the theatre, and did everything he could to make the event a success. Garrick wrote both a prologue and an epilogue, and himself attended the opening night. This was his last connexion with the theatre ; a few weeks later he was dead.

The play, the title of which had been altered to *The Fathers* so as not to clash with Goldsmith's first comedy the *Goodnatured Man* (produced in 1768), ran nine nights and was pretty well received. Mrs. Fielding, Henry's widow, took the proceeds on three nights, concerning which we find John writing the following note to William Hunter, the famous surgeon who had attended his brother :

Sir John Fielding presents his compliments to Dr.

<sup>1</sup> Reprinted in *The Private Correspondence of David Garrick*, 1832, ii, pp. 169-70.

Hunter, and acquaints him that the comedy of the *Goodnatured Man* written by the late Mr. Henry Fielding will be performed at Drury Lane next Monday being the author's widow's night.

He was your old and sincere friend. There are no other of his works left unpublished. This is the last opportunity you will have of shewing any respect to his memory as a genius, so that I hope you will send all your pupils, all your patients, all your friends, and everybody else to the play that night, by which means you will indulge your benevolent feelings and your sentiments of friendship.

Bow Street, *Decr.* 4, 1778.<sup>1</sup>

John's devotion to Henry never flagged.

On the day of the last performance, December 12, (it was the custom to play two or three pieces alternately) the comedy was published as a pamphlet, with a dedication from John to the Duke of Northumberland calling attention to the fact that Henry Fielding's work as a magistrate, as well as his writings, lived after him. This was addressed from Brompton Place. An "advertisement to the reader," unsigned but almost certainly also written by John, described the finding of the manuscript, and concluded with a tribute to "the very liberal and friendly assistance of Mr. Sheridan, and to the prologue and epilogue written by Mr. Garrick."

<sup>1</sup> First published in the *Athenæum* February 1, 1890; Cross, iii, pp. 106-7.



## CHAPTER XVII

### THE END

DURING the last five years of his life John was as busy as occasional illness allowed. Writing to Sir Stanier Porten on August 10, 1775, for instance, he said that he was "confined at Brompton," and there is no doubt that he was frequently in the hands of the doctors, among them Dominiceti of Chelsea. On March 2 of this year he must have been shocked by the sudden death of his friend Thomas Nuthall, a former solicitor to the Treasury and an intimate of the first Pitt. Returning from Bath, Nuthall's coach, in which there were also a young woman and a little boy, was held up by a highwayman near Hounslow Heath. Without warning, the man fired into the coach, but luckily did no harm; Nuthall fired back, and probably wounded the robber, who made off with all speed. Stopping at the next inn, Nuthall wrote a description of the man. As he was addressing it to John Fielding, he suddenly collapsed and died.<sup>1</sup>

The general "preventive plan," the embryo of the Criminal Record Office, thrived lustily. It was the baby of his premature old age, and he cherished it lovingly. One of many cases illustrating the Bow Street system occurred in September, 1777. Even in outline it fairly smacks of the period. A young gentleman of Kilkenny and his father abducted a Miss Mary Max, aged no more than thirteen, the heiress to a large fortune. Information was immediately sent from Ireland to Bow Street, and John's men set out in pursuit of the trio, only to catch up with them a few minutes after they had clambered into a boat at Brighton and

<sup>1</sup> *Annual Register*, March 2, 1775.

were under full sail for France.<sup>1</sup> What became of Mary Max and her Kilkenny gallant I do not know.

Before going on to John's last cases I may as well deal with his later work towards prison reform, a matter for which, of course, his daily business left him but little time. In 1773, he was responsible for "the appointment of clergymen with proper salaries to attend the gaols,"<sup>2</sup> and in 1776, William Eden consulted him, as well as John Howard and Sir William Blackstone, over the Penitentiary Act, which became law in 1779 (19 Geo. III, c.74), but was never put into practice. With the stoppage of transportation in 1776, owing to the war with America, convicts were housed in hulks on the Thames, a makeshift arrangement too barbarous to last more than eighty-two years. The Penitentiary Act provided for two prisons, one for men and the other for women, in which the novel experiment of housing each prisoner in a separate cell was to be tried. The supervisors appointed to give effect to the Act could not agree on a site for the prisons, and the scheme fell through.

Writing to Eden on March 14, 1776, John said he had "perused with attention his able and elaborate Bill to establish a system of penal labour," but suggested that the last Lighter Bill (dealing with the hulks) should be modified and tried for a further two years before making any sweeping change. He asked that a better system of keeping records of convicts should be instituted, so that it would be easier to keep track of discharged prisoners; a problem which was not seriously attacked until 1869. "Confining the power of sending to the lighters to the Judges of Assize is certainly a good regulation," he continued, "for this power has been much mistaken by the justices at their Quarter Sessions, and would soon overload the lighters. I begin to fear that collecting the rogues of different countries into one ship may instead of begetting reformation occasion friendships and connections which would

<sup>1</sup> *Annual Register*, September 3, 1777.

<sup>2</sup> From the letter already quoted in part at p. 183 above.



be cemented by their fellow-sufferings, and make them unite when discharged ; but I own it is rather too soon to say much on this subject, and I hope you will still keep transportation in your mind for some of the most atrocious offenders.”<sup>1</sup> His fear was confirmed by a Parliamentary Report on the Hulks issued in 1812, when it was stated that the convicts returned “into society with more depraved habits and dispositions than those with which they went into confinement.” As a policeman, John wanted the “most atrocious offenders” well out of the way, and in fact eight years after his death transportation was resumed, Australia taking the unenviable place that had been America’s.

Of the flock of felons caught in the Bow Street net during the last few years of John’s life, mention can only be made of four ; some others whose cases are of interest more from the detective than the magisterial point of view have already been dealt with. The first man, whose case was spread over 1776-77, was one David Brown Dignum, who temporarily prospered by posing as one able to sell places under the Government, a form of swindle which could only have been practised at this period, and yet not too far removed in spirit from the “Honours Case” heard at Bow Street in 1933. This affair, which ended in Dignum’s being sentenced at the Westminster Guildhall, on April 5, 1777, to five years hard labour on the Thames, gave John a good deal of work.

The other three cases all occurred in 1779, within a few months of each other. The first, though unpleasant, is of great interest, for it is still cited in law books as a leading case on blackmail. Moreover, John’s own relations were concerned. Briefly, on January 18, 1779, the Honourable Charles Feilding, aged about seventeen, the youngest son of the sixth Earl of Denbigh, was accosted by a man in Soho Square who threatened to charge him with committing an unnatural offence unless money was forthcoming. There was no one else about at the time, and young Feilding, frightened,

<sup>1</sup> British Museum : *Additional MSS.*, 3413, f. 20.

though completely innocent, paid the man a guinea. Two days later he was again accosted by the same man, whose name was James Donally, and again the wretched boy gave him money, borrowing half-a-guinea from a grocer with whom his father dealt whose shop happened to be near.

Now Viscount Feilding, aged nineteen, was very like his younger brother, and on February 12, Donally, seeing him in Hay Hill, mistook him for Charles Feilding and repeated his threats. Eventually Lord Feilding seized him by the collar and began to drag him to a magistrate, but not knowing what charge to make against him was, as he subsequently said, "weak enough to loose his collar and let him go." Three days later Donally again accosted him, and this time Lord Feilding with the help of some friends who haply passed by hauled the pest off to Bow Street and told his kinsman John Fielding what had happened. Charles Feilding also appeared, and finally John sent Donally for trial on a charge of highway robbery.

Highway robbery? That was the question. Donally's defence was that Charles Feilding had given him the money, and therefore there could be no question of robbery. Judge Buller, however, "observed that to constitute a highway robbery there was no necessity for corporeal fear; for if a person gives his money under terror of mind, and compulsively, and against his will, or for fear of loss of character, it is in law established to be a capital offence; nor was there any necessity for a person so giving his money to be in dread of his life by a charge exhibited against him; it was sufficient that the money was obtained under terror of mind." Nevertheless, so important was the question that sentence was respited until twelve judges had met to consider the case. This they did on April 29, and "Lord Mansfield with great energy observed, that it was a specious mode of robbery of late grown very common, invented by fraud to evade the law, but which would not suffer itself to be evaded. God only knows what numberless robberies of this kind would



have been perpetrated by these detestable wretches on timorous minds if their Lordships had been of a different opinion.”<sup>1</sup> Donally was accordingly hanged. The case is a remarkable testimony to John’s judicial capacities.

The next case is the famous one of the Reverend James Hackman, an ex-officer turned parson who on April 7, 1779, shot Martha Wray, mistress of Lord Sandwich, First Lord of the Admiralty. Hackman had fallen hopelessly in love with her, and his passion turning to madness, killed her as she was leaving Covent Garden after hearing *Love in a Village*, of all pieces. The poor wretch was hanged on April 19. The affair, into which John had, of course, to make the preliminary investigations, created a tremendous sensation, as may well be imagined.

Finally, the case of James Mathewson, the most successful banknote forger of his day, provides us with a full view of John Fielding on the bench, as well as yet further testimony to the efficiency of the Bow Street system. It happened that in March, 1779, Dr. Thomas Somerville, the Scottish divine and historian, travelled from Edinburgh to London. The sequel to his journey he thus described in his autobiography :

One of our travelling companions, whose behaviour had excited various conjectures in the course of our journey, was apprehended at the Bank of England the day after our arrival on the charge of forgery. He had, in fact, forged and circulated the notes of the bank to a very large amount. He was carried before Sir John Fielding, who in a few hours discovered the lodgings of the several persons who had places in the York coach along with the suspected forger. I happened to be in the gallery of the House of Commons when one of Sir John’s officers arrived at my sister’s house in Panton

<sup>1</sup> *Annual Register*, 1779, February 16 and March 29 ; *Sessions Papers*, February, 1779, pp. 192–200. For reports and opinions of the judgment see, for instance, *A Treatise of the Pleas of the Crown*, by Sir Edward Hyde East, 1803, ii, pp. 715–28, and *Russell on Crimes and Misdemeanours*, 1923, pp. 1093–95.

Square, requiring my immediate attendance at the Police Office; and it was not without entreaty that the messenger was prevailed upon to desist from his purpose of following me to the House, upon the condition of one of my friends becoming security for my attendance in Catherine Street at eight o'clock next morning. The prisoner had during the night made an attempt to escape by leaping from the window of the room where he was confined, and having failed in this attempt, his resolution forsook him, and he made a voluntary confession of his guilt in the presence of Sir John Fielding, a few minutes before my arrival. Sir John, when informed of my being a minister of the Church of Scotland, desired me to retire with the culprit, whose name was Mathewson, to the adjoining chapel, and give him admonitions suitable to his unfortunate situation. . . .

I was so much amused and interested with the appearance of Sir John Fielding, and the singular adroitness with which he conducted the business of his office, that I continued there for an hour after the removal of Mathewson, while Sir John was engaged in the investigation of other cases. Sir John had a bandage over his eyes, and held a little switch or rod in his hand, waving it before him as he descended from the bench. The sagacity he discovered in the questions he put to the witness, and a marked and successful attention as I conceived, not only to the words, but to the accents and tones of the speaker, supplied the advantage which is usually rendered by the eye; and his skilful arrangement of the questions leading to the detection of concealed facts, impressed me with the highest respect for his singular ability as a police magistrate. This testimony I give not merely on the observation I had the opportunity of making on the day of my appearance before him. I frequently afterwards gratified my curiosity by stepping into Sir John Fielding's office when I happened to pass near Catherine Street.”<sup>1</sup>

<sup>1</sup> *My Own Life and Times* (1741-1830), by Dr. Thomas Somerville, 1861, pp. 179-81.



It was an odd slip that made Somerville write "Catherine Street" instead of Bow Street. James Mathewson was tried at the Old Bailey and executed on July 28, the deciding factor in his case being his confession, for his forgeries, even down to the watermark, were so perfect that neither judge nor jury would have convicted him simply on the evidence of the notes. Indeed, expert witnesses gave their opinion that the watermark "Bank of England" must have been put in during the manufacture of the paper, that is, in the usual way, but Mathewson, with the craftsman's pride, declared this was all his own work.

Now John Fielding soon passes from view. On November 24, 1779, we find him writing to Lord Stormont, Secretary of State, about the arrangements for the reopening of Parliament the next day.<sup>1</sup> Then there is silence so far as State Papers are concerned. It is certain that he was lying ill at Brompton at the time of the Gordon Riots in June of the next year, for there is no mention of his name in the documents concerning them. The newspapers are no guide, for it had long been their custom to give simply "Reports from the Public Office, Bow Street, of Offenders committed last week," the magistrates being mentioned by name only in exceptional circumstances. As for the notices from Bow Street, the use of John's name had become a convention, and did not necessarily mean that he actually was at Bow Street to receive the information requested.

While he was lying ill at Brompton his life's work went up in flames. For six days in June, 1780, London was in the hands of a drunken mob, inflamed by the revolutionary Lord George Gordon, to commit excesses ostensibly in protest against the Act relieving Roman Catholics of the disabilities which had hampered them so long. The story of these, the worst disorders ever known in the history of London, has been told in detail by Mr. J. Paul de Castro.<sup>2</sup> Here I must confine myself to the fact that on the night of June 6, soon after four

<sup>1</sup> S.P. 37/13 (sheet unnumbered).

<sup>2</sup> *The Gordon Riots*, by J. Paul de Castro, 1926 ; see particularly pp. 85-7.

prisoners had been taken to Bow Street, the Public Office was attacked, the front demolished up to the first floor, and all John's belongings, including, without a doubt, Henry Fielding's manuscripts and letters, were thrown out into the street and burnt. William Fielding was a distant spectator of the orgy, which lasted until three o'clock the next morning. Whether or not John's house would have been attacked had there not been prisoners for the mob to free it is impossible to say. Very likely its destruction was inevitable as an emblem of law and order; it is significant that Lord Mansfield's house was attacked the same night. Such constables and magistrates as were available were powerless to cope with the situation; Addington and John Wilkes appear to have done as much as anyone could. With the calling out of the militia in addition to the regular forces the riots were quelled, but not without many casualties. The lesson was plain; London needed a regular police force. Yet nearly half a century elapsed before the "Peelers" first went on their beats.

John Fielding died on September 4, 1780, within a few weeks of his fifty-ninth birthday. All the newspapers of Wednesday, September 6, had the following announcement:

On Monday evening at eight o'clock died at his house at Brompton, near Knightsbridge, after a long and painful illness, which he bore with the utmost patience, Sir John Fielding, Knt., one of his Majesty's Justices of the Peace for the counties of Middlesex, Essex, Herts, Kent, Surrey, and the City and Liberty of Westminster, whose abilities as a magistrate could only be equalled by his humanity as a man, and whose loss will be most severely felt by the public, but by none so much as the poor, to whom he was a warm and unalterable friend.

This was no mere panegyric. He was buried on September 13, in Chelsea Parish Church in the same vault as his first wife, Elizabeth.



In his will, which is published in full in an appendix, he named William Addington, Richard Low and Kempe Brydges, "laceman," as executors. Of these last two I know nothing. He directed that all property that came to him through his wife Mary was to be returned to her, after which his own property was to be realised to pay his debts and funeral expenses, and to provide legacies for William and Allen Fielding, and his "adopted daughter Ann Whittingham commonly called Mary Ann Fielding," who was to benefit "on the day of her marriage or when she shall arrive at the age of twenty." His love of his brother never dying, he also directed that as George III had promised Lady Fielding a pension of £200 a year she should look after Henry Fielding's widow.

The terms of his will seem to have been faithfully carried out, with one exception. He asked his executors, if they thought it deserved, to place a tablet in the chancel of Chelsea Old Church, as it is now called, to his memory and that of his first wife. I have already given his suggestion for the latter epitaph; for his own he wanted the words: "He was an useful and honourable member of society." This was modest enough. There is no such tablet in the church to-day, however, and no record of it, so it seems that for some reason his executors failed him in this respect.

Our debt to John Fielding is heavy. First, the Marine Society, the Magdalen Hospital, and the Royal Female Orphanage still bear witness to his "warm and unalterable" friendship to the poor. Then the stipendiary magistracy, first established twelve years after his death, owes its inception to his preaching and his practical example. Finally, the essential features of what is loosely called "Scotland Yard" have their origin in the anti-crime organization built up by John during his thirty years at Bow Street. That so much of what he effected, particularly the reputation for fair-dealing which he gave Bow Street, was allowed to crumble away during the half-century which separated his death and the formation of the Metropolitan Police,

Congratulations on the Return of his Birth Day, may it  
often return and be distinguished by those Blessings which  
your Graces manifold Benefits to the Community justly entitle  
you to; their Interest and mine are most sincerely united

I am with Truth

Your Graces respected

Broo Street - Monday

Dec 20<sup>th</sup> 1777

and  
Affectionate Friend

S. D. Mutton et felicity, refectionem

and incommensurabilem. He will this day

give a Relish to the Trumpets at

the Chesham?

SIR JOHN FIELDING'S AUTOGRAPH.

(From a letter congratulating the Duke of Northumberland on his birthday, now in the  
author's possession.)





was not his fault. Well might Colquhoun, writing in 1797, lament that the "excellent ideas" of Henry and Sir John Fielding "and accurate and extensive knowledge upon every subject connected with the police of the metropolis, and of the means of preventing crimes were not rendered more useful to the public. It is to be hoped, however, that it is not even yet too late." It was not.

As for John's character, I shall leave that to speak for itself. His triumph over blindness must ever stand as one of the most remarkable instances of the kind. Indeed, surveying his extraordinarily energetic life and his immense knowledge of human nature it is difficult to remember that except as a boy he never saw the London he served so long and so well. Only his letters reveal his infirmity; the heavy but barely legible scrawl that was his signature contrasts markedly with the clerkish handwriting above.

Lady Fielding died on November 15, 1794. After disposing of the Brompton house she went to live in Kent with or near Allen Fielding, who was vicar of Shepherd's Well, and later of St. Stephen's, Canterbury. He also looked after his mother, who died on May 18, 1802, at the age of eighty-one. On October 23, 1783, he married Mary Whittingham, who had long gone by the name of Fielding, and by her had four sons, all whom became parsons. Mary died in 1820, and her husband in 1823.<sup>1</sup> Both because it describes events of the year after John's death and is in itself very pleasant I shall end this story by giving the following letter, written from Gravesend by Allen Fielding to his future wife:<sup>2</sup>

*June, 20th, 1781.*

MY DEAREST MARY,

I did not go to London till last week. Your letter therefore arrived several days before I saw it. I shall only say of my journey thither that I wish I had stayed

<sup>1</sup> *Gentleman's Magazine*, lists of deaths and marriages.

<sup>2</sup> I am indebted to Mr. J. Paul de Castro for a copy of this letter, which has not previously been published.



at home. Tho' I called at Lord North's and the Duke of Northumberland and saw Mr. Palmer,<sup>1</sup> I believe I shall not be paid for the shoe leather it costs me in prancing after those gentry—on which account I have made a very rational determination to go near them no more. I partake with you in the pleasure you describe ; it is no small happiness to me to hear that you are so much in the way of happiness. I am glad to find that Lady Fielding is better than she was in town. I am of opinion that the medicine that will be of most service to her must be taken thro' the mind—so make her cheerful and hand care behind the screen. For my own part I have not time at present for reflection, being very deeply engaged in that operation of husbandry called hay-making, and as this is a wonderful fine day I think you are bound to acknowledge my attention to you in dedicating any part of it to your service. One thing indeed may be said to lessen the obligation, that how much soever I may be inclined to give you pleasure, I find too much myself in conversing with you to sacrifice it to any consideration in the world. Our haying this year *is capital*. As the man will be four days mowing, I suppose we shall not finish before the middle of next week. My mother has quite lost her ague, and is pretty well. She has lately taken it into her head to be very fond of the bees—she is constantly observing them. They have yielded us two good swarms which with a lusty calf is the increase of our family since I wrote to you last. I fear I must trespass upon Lady Fielding's patience and defer answering her letter till you send another frank. Tell her that Mr. Palmer said nothing worth repeating. The house she talks of is occupied which I should be sorry for if I thought she had any purpose of coming into this country. The rent of it is £70, but then there is a good deal of land. I know of no other except that which Markett lived in and

<sup>1</sup> Mr. Palmer, the Duke of Bedford's agent (see p. 178 above). Later passages in this letter make it clear that Allen was trying to get Lady Fielding a country house. It is noteworthy that these four, Allen and his mother and Lady Fielding and Mary Whittingham, were on excellent terms with each other.

which you have seen but perhaps do not recollect. It lies on the Green between us and Dartford. There is a good large garden, and the house I fancy is not amiss : rent £15. Neighbourhood but little better than mine : I doubt Lady Fielding would not like that. But if she has really a thought of taking up her residence in this country I will look round. There may be many houses that I know nothing of. Give mine and my mother's love to her. I begin to want to see you both, but must put on my best patience. Write soon another long letter I pray you. I shall get greatly in your debt, but you will believe that I shall love to pay you according to my promise. God bless—

I am ever

Your

ALLEN FIELDING.





## APPENDIX

### SIR JOHN FIELDING'S WORKS

*A Plan of the Universal Register Office*, 1751, etc. (Mainly by Henry Fielding).

*A Plan for Preventing Robberies within Twenty Miles of London*, 1755.

*An Account of the Origin and Effects of a Police set on foot by his Grace the Duke of Newcastle in the year 1753, upon a Plan presented to his Grace by the late Henry Fielding*, 1758.

*Extracts from such of the Penal Laws as Particularly relate to the Peace and Good Order of this Metropolis*, 1761, etc. (The only edition in the British Museum is the last, 1768).

*The Universal Mentor; containing Essays on the Most important Subjects in Life*, 1763.

*An Account of the Receipts and Disbursements relating to Sir John Fielding's Plan, for the preserving of distressed Boys, by sending them to Sea; from February 12, 1769. . . to the 1st. of April following*, 1771.

*A Charge to the Grand Jury*, 1763 and 1768. Neither of these pamphlets is in the British Museum.

### BOOKS ATTRIBUTED TO SIR JOHN FIELDING

*A Brief Description of the Cities of London and Westminster. . . . to which are added, Some proper Cautions to the Merchants, etc.*, by Sir John Fielding was published in 1776. Only the "Cautions" were his, being those which he circulated from 1756 onwards (p. 86), but the title-page was got up to look as if the entire book was



by him, and despite his disclaimer in the *Public Advertiser* of January 6, 1777, cited by the D.N.B., the book is still sometimes attributed to him.

*Sir John Fielding's Jests, or New Fun for the Parlour and Kitchen, being the Smartest, Wittiest, and Drollest Collection of Original Jests, Jokes, Repartees, etc., ever yet published. Among which are particularly noticed all those jokes that have passed upon various examinations at the Public Office, before the late Sir John Fielding and other Magistrates. . . . Compiled by a Justice of the Peace ;* no date, but obviously published after September 6, 1780. This appears to be simply a catchpenny. None of the stories is worth quoting ; as an example of their originality I may mention that the famous "I've got to live"—"I don't see the necessity" story usually told of Talleyrand and a chestnut even by 1780 is attributed to John Fielding.

It should be noted that there was a contemporary John Fielding, a bookseller and the author of some reference books, who had no connexion with Sir John Fielding.

## “BOW STREET RUNNER”

The O.E.D. dates the first occurrence of this term as 1812, but in fact it was in use in the previous century. The first mention I have found is in a poem which appeared in the *Morning Herald* of March 5, 1785. It was written by the Rev. Henry Bate (later the Rev. Sir Henry Bate Dudley), first editor of the *Morning Post* and founder of the *Herald*, on the famous occasion when Nathaniel Hone, in a painting called “The Conjuror,” accused Sir Joshua Reynolds of plagiarism. Bate, the first journalist to make a regular feature of art criticism, had one verse which ran :

What’s Raphael, Guido and the rest ?  
Poor dogs, Sir Joshua, at the best !  
If no idea bright  
They lose—without Hone’s demi-devil  
Like Bow Street runner—most uncivil—  
Bringing the theft to light ! <sup>1</sup>

However, if the term was in use during Sir John Fielding’s life-time, it was not common until the early nineteenth century. An alternative was “beak-runner,” “beak,” a very old word for a person in authority, being first applied specifically to a magistrate by the mob’s nicknaming Sir John Fielding “the blind beak” (*Life’s Painter of Variegated Characters in Public and Private Life*, by George Parker, 1789, p. 150; *Slang and its Analogues*, by J. S. Farmer, 1890, etc.).

It is worth noting here that that corrupt humbug James Townsend, who is still occasionally described as “the famous Bow Street Runner,” as if he were a praise-worthy character, did not, according to his own evidence before the Select Committee on Police of 1816, join Bow Street until 1781, the year after Sir John Fielding’s death. He would not have lasted a minute under that magistrate.

<sup>1</sup> Walpole Society, vol. xiii: “An Eighteenth Century Art Chronicler,” by W. T. Whitley; *Johnson’s England*, ii, p. 56.





## SIR JOHN FIELDING'S WILL

THE LAST WILL AND TESTAMENT of Sir John Fielding Knt. I Sir John Fielding of the parish of Saint Paul, Covent Garden, Knt. being in good health and of sound memory do declare this to be my last will and testament revoking all other wills and first I do request that William Addington of Southampton Row Bloomsbury Esquire Richard Low of King Street Covent Garden Esquire and Kempe Brydges the younger of Bedford Street Covent Garden Laceman will cause this my last will and testament to be carried into execution. I do therefore appoint them my Executors for that purpose and I do direct that as soon as possible after my death all monies goods and chattels of what nature soever the same may be that came into my possession through the hands or interest or by the means of my wife Mary the present Lady Fielding be delivered back to her provided she survives me ; that after this is done I do direct that my whole property then remaining be converted into money unless my Executors should think any part of it more useful to my Residuary Legatee to be continued unsold. I do direct that my just debts be immediately discharged my interment be devout and moderate and if possible in the same vault under the chancel in Chelsea Church where my first dearly beloved wife Elizabeth now lies ; that a small marble entablature be placed in the said chancel expressing the time of our deaths with these words if thought deserved by my Executors, viz. of Lady Fielding to say that "She was approved by the sensible, esteemed by the worthy and blessed by the poor. She was an admirable housewife in the true sense of that word," and of Sir John Fielding to say that "He was an useful and honourable member of society." I do also direct that



out of the money arising from the sale of my effects two hundred pounds be paid to William Fielding Esquire eldest son of my late brother Henry Fielding ; that two hundred pounds be paid to Allen Fielding Esquire youngest son of my late brother Henry Fielding in the following manner, viz. twenty five pounds per quarter to each for the first two years to come after my death and I do also direct that after my own debts the expenses of my funeral and these two legacies are provided for the remainder of my property and effects of what nature soever be paid to my adopted daughter Ann Whittingham commonly called Mary Ann Fielding on the day of her marriage or when she shall arrive at the age of twenty and that his Majesty having been graciously pleased to declare by Lord North and Sir Grey Cooper Bart.<sup>1</sup> that two hundred pounds per annum of my present salary should be continued to the said Mary the present Lady Fielding should she survive me I recommend the widow of the said late Henry Fielding Esquire to her attention and consider this as a fair, equitable and just distribution of my property. In witness whereof I have hereunto set my name and seal this 6th. day of November 1775. Witnesses (this will having first been read over to the said Sir John Fielding in our presence) Hugh Dive, S. Leigh.

<sup>1</sup> Sir Grey Cooper (d. 1801), a secretary of the Treasury, 1765-82.

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